CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

ORDER No. _____
CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS (WDR) FOR:

NEWHALL LAND & FARMING COMPANY, PROPOSED RESOURCE MANAGEMENT AND DEVELOPMENT PLAN AND SPINEFLOWER CONSERVATION PLAN, SANTA CLARITA, LOS ANGELES COUNTY
(File No. 11-168)

R E V I S E D T E N T A T I V E

Table of Contents

FINDINGS

- **A. Regulatory Authority**
- **B. Permit Parties and Related Approvals**
- **C. Background/History**
- **D. RMDP Project Description (Corps Final LEDPA)**
- **E. RMDP Village Level Project Descriptions**
  - **E.1 Landmark Village**
  - **E.2 Mission Village**
  - **E.3 Utility Corridor/WRP/SR126 Improvements**
  - **E.4 Homestead South Village**
  - **E.5 Homestead North Village**
  - **E.6 Potrero Village**
- **F. RMDP Facility Maintenance**
- **G. Regulatory Authority**

PART 1

1.0 Standard Conditions
2.0 Prohibitions
3.0 Conditions
- **3.1 Mitigation for Impacts to Waters of the United States**
- **3.2 Monitoring and Reporting**
- **3.3 Administrative**

4.0 Enforcement
5.0 Term

Table 1a. Basin Plan Beneficial Uses (Surface Waters)
Table 1b. Basin Plan Beneficial Uses (Groundwater)
Table 2. Project Development Phasing
Table 3. Santa Clara River (Proposed Features and Impacts)
Table 4. Minor Tributary Drainages (Proposed Features and Impacts)
Table 5. Lion Canyon (Proposed Features and Impacts)
Table 6. Long Canyon (Proposed Features and Impacts

Table 7. Chiquito Canyon (Proposed Features and Impacts)
Table 8. San Martinez Grande Canyon (Proposed Features and Impacts)
Table 9. Potrero Canyon (Proposed Features and Impacts)
Table 10. Salt Creek/Restoration (Proposed Features and Impacts)

Figures:

Figure 1. Newhall Ranch RMDP Village Phasing Plan
Figure 2. Santa Clara River Major Features
Figure 3. Modified, Converted, and Preserved Tributary Drainages
Figure 4. Lion Canyon Detail (Proposed RMDP Tributary Treatments)
Figure 5. Long Canyon Detail (Proposed RMDP Tributary Treatments)
Figure 6. Chiquito Canyon Detail ((Proposed RMDP Tributary Treatments)
Figure 7. San Martinez Grande Detail (Proposed RMDP Tributary Treatments)
Figure 8. Potrero Canyon Detail

Attachments:

1. **Clean Water Act Section 404 Permit Final LEDPA Project Description**
2. **RMDP Maintenance Manual**
3. **Clean Water Act Section 404 Permit Mitigation Plan dated May 26, 2011**
4. **RMDP Biological Mitigation Measure (BIO 2)**
5. **Draft Surface Water Diversion Plan**

REVISED TENTATIVE

FINDINGS.

The California Regional Water Quality Control Board, Los Angeles Region, (Regional Board), finds the following.

A. REGULATORY AUTHORITY

1. The federal Clean Water Act requires that any applicant for a federal license or permit to conduct an activity that may result in discharges of pollutants to navigable waters of the United States provide the federal licensing agency with a certification, or a waiver of certification, from the state agency having jurisdiction over the navigable waters that the discharge will comply with applicable Clean Water Act and other applicable water quality requirements (water quality certification). Clean Water Act § 401, 33 U.S.C. §1341.

2. Persons seeking water quality certification are required to file an application with the Regional Board and provide information set forth in regulations adopted by the State Water Resources Control Board (State Water Board). Title 23 Cal. Code Regs. §§ 3855-3861. The Executive Officer of the Regional Board (Executive Officer) or the Regional Board may issue a water quality certification after providing public notice.

3. The Porter-Cologne Water Quality Control Act (Water Code § 13000, et. seq.) requires any person who proposes to discharge waste that could affect the quality of waters of the state to submit a report of waste discharge. Wat. Code §13260(a). California Water Code section 13263 authorizes the Regional Board to issue waste discharge requirements that implement any relevant water quality control plan. State Water Board regulations addressing water quality certification do not limit or prevent regional boards from issuing waste discharge requirements for activities subject to water quality certification.

4. Newhall Land and Farming Company (Newhall Land or Discharger) submitted an application for a permit pursuant to Clean Water Act section 404 (dredge or fill permit) for activities on nearly 14,000 acres of land to the United States Army Corps of Engineers (Corps). Newhall Land also submitted an application to the Regional Board for water quality certification pursuant to the Regional Board's authority under section 401 of the Clean Water Act, and report of waste discharge pursuant to the Regional Board's authority under the California Water Code. This Order grants with conditions Newhall Land's application for a water quality certification pursuant to section 401 of the Clean Water Act and imposes waste discharge requirements (WDRs) pursuant to California Water Code section 13263, consistent with State Water Board regulations. This Order includes conditions and requirements to comply with the Clean Water Act and the California Water Code.

REVISED TENTATIVE

B. PERMIT PARTIES AND RELATED APPROVALS

1. Newhall Land filed an application for Clean Water Act section 401 water quality certification and a Report of Waste Discharge (ROWD) on October 5, 2011, for the discharge of dredged and fill material to waters of the United States, in connection with implementation of the Newhall Ranch Resource Management and Development Plan (RMDP).

2. The RMDP provides for resource management and development in an area encompassing 13,650.7 acres in northwestern Los Angeles County, including the 11,999-acre Newhall Ranch Specific Plan (NRSP) area. Implementation of the RMDP will allow development of a master planned community within the NRSP area, with interrelated villages that provide housing, commercial/industrial uses, and related public facilities and open space. This development is intended to meet long-term housing demands and provide additional jobs in the region to help address demographic growth trends. The RMDP site includes roadway infrastructure improvements within areas adjacent to the NRSP necessary for traffic circulation. The five villages included are: Landmark Village, Mission Village, Homestead South Village, Homestead North Village and Potrero Village, as depicted on Figure 1, incorporated herein by this reference.

3. The RMDP also includes mitigation and conservation measures for the long-term management of sensitive biological resources within the RMDP boundaries, including state and federally protected plant and wildlife species. The RMDP includes a Spineflower Conservation Plan component, which will permanently protect and manage a system of preserves for the San Fernando Valley spineflower, which is listed under the California Endangered Species Act as endangered. The California Department of Fish and Game (CDFG) issued a spineflower incidental take permit (Permit No. 2081-2008-012-05) and a multi-species incidental take permit (Permit No. 2081-2008-013-05) for the RMDP on December 3, 2010. The U.S. Fish and Wildlife Service (USFWS) issued a biological opinion for the RMDP on June 7, 2011, which found that the RMDP will not jeopardize the survival or recovery of federally listed species or adversely modify critical habitat designated under the federal Endangered Species Act.

4. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized or required by this Order, the Discharger must obtain authorization for an incidental take from appropriate authorities prior to taking action. The

REVISED TENTATIVE

Discharger is responsible for meeting all requirements of the applicable Endangered Species Act for the discharge authorized by this Order.

5. The Santa Clara River and tributary drainages will be affected by the project. The tributary drainages which will be affected are in Chiquito Canyon, Lion Canyon, Long Canyon, Potrero Canyon, San Martinez Grande Canyon, Magic Mountain Canyon, Middle Canyon, Exxon Canyon, Dead-end Canyon, Humble Canyon, Off-haul Canyon, Mid-Martinez Grande Canyon, and Ayers Canyon; and several unnamed small canyons.

6. The Corps issued a Clean Water Act section 404 provisional permit for fill of waters of the United States associated with the RMDP on August 31, 2011, contingent on the Regional Board's issuance or waiver of water quality certification (Permit No. 2003-01264-AOA or Corps Permit).

7. The CDFG issued a master Streambed Alteration Agreement for the RMDP on December 3, 2010 (Agreement No. 1600-2004-0016-R5 or CDFG MSAA).

8. The RMDP includes construction of a Water Reclamation Plant (WRP) adjacent to the Santa Clara River; the Regional Board adopted an NPDES permit and Waste Discharge Requirements to the Newhall Ranch Sanitation District for the WRP (Order No. R4-2007-0046) effective October 27, 2007. Construction of this new wastewater facility has not yet begun. Newhall Ranch Sanitation District has submitted to the Regional Board a ROWD for renewal of the NPDES and Waste Discharge Requirements.

9. Clean Water Act section 401 authority to issue water quality certification lies with states and, in California, with the Regional Water Quality Control Boards. Clean Water Act section 401 requires states to act on an application for water quality certification within one year of submittal of a complete application. The Regional Board may deny, deny without prejudice, or issue the water quality certification with conditions.

10. California Water Code section 13263 requires the Regional Water Quality Control Boards to prescribe WDRs for any proposed or existing discharge unless WDRs are waived pursuant to Water Code section 13269.

11. **Water Quality Control Plan.** The Regional Water Board adopted a Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 13, 1994 that designates beneficial uses, establishes water quality objectives to protect the beneficial uses, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. There have been a number of amendments (including total maximum daily loads) to the Basin Plan that have been adopted subsequent to the 1994 adoption. In addition, the Basin Plan incorporates State Water Board policies including Resolution No. 88-63, which established state policy that all waters,

REVISED TENTATIVE

with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to the receiving surface waters are itemized in the attached Table 1a, Basin Plan Beneficial Uses – Surface Waters. Beneficial uses applicable to the receiving groundwaters are itemized in Table 1b, Basin Plan Beneficial Uses – Groundwaters. The United States Environmental Protection Agency (USEPA) adopted water quality criteria that apply in California (the California Toxics Rule and some criteria in the National Toxics Rule) to discharges to navigable waters. The Regional Board is required to implement the California Toxics Rule. This Order is in compliance with the Basin Plan, and amendments thereto, and the California Toxics Rule.

12. Clean Water Act section 305(b) requires each state to report biennially to USEPA on the condition of its surface water quality. Under Clean Water Act section 303(d), each state must review, make necessary changes, and submit a list of impaired waters to USEPA (the 303(d) list). The USEPA has issued guidance to states which requires the two reports to be integrated. For California, this combined report is called the California 303(d)/305(b) Integrated Report (Integrated Report). The 2010 Integrated Report included changes to the 2006 Clean Water Act section 303(d) list of impaired water bodies and Clean Water Act section 305(b) report on the quality of waters in California. On October 11, 2011, USEPA issued its final decision on the waterbodies and pollutants included by California in its Integrated Report. The USEPA-approved list serves as the State's most recent list of impaired waterbodies. The list (hereinafter referred to as the 2010 303(d) List) was prepared in accordance with Clean Water Act section 303(d) to identify specific impaired waterbodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources.

Santa Clara River is on the 2010 303(d) List. The following pollutants were identified as impacting the receiving waters:

i) Santa Clara River Reach 7 (Bouquet Canyon Rd to above Lang Gauging Station) —Coliform Bacteria;

ii) Santa Clara River Reach 6 (West Pier Hwy 99 to Bouquet Canyon Rd.) — Coliform Bacteria, Chlorpyrifos, Diazinon, Toxicity, Iron, Copper; Chloride

iii) Santa Clara River Reach 5 (Blue cut to West Pier Hwy 99 Bridge) — Coliform Bacteria and Iron; Chloride

iv) Santa Clara River Reach 3 (Freeman Diversion to A Street)—Total Dissolved Solids and Toxicity; Ammonia, Chloride

v) Santa Clara River Reach 1 (Estuary to Hwy 101 Bridge)—Toxicity; and

REVISED TENTATIVE

vi) Santa Clara River Estuary— Chem A[1], Coliform Bacteria, Toxaphene, Toxicity, and Nitrogen/Nitrate.

13. **TMDLs.** Once a water body has been deemed impaired, a Total Maximum Daily Load (TMDL) must be developed for the impairing pollutant(s). A TMDL is an estimate of the total load of pollutants from point, non-point, and natural sources that a water body may receive without exceeding applicable water quality standards (including a "margin of safety"). The TMDL allocates the loads among current and future pollutant sources to the water body. The 2010 303(d) List includes a List of Water Quality Limited Segments Being Addressed by EPA Approved TMDLs. Several TMDLs have been adopted by the Regional Board and approved by USEPA for the Santa Clara River:

i) Santa Clara River Bacteria TMDL in effect March 21, 2012. This TMDL addressed fecal-indicating bacteria in the Santa Clara River estuary and reaches 3, 5, 6 and 7. The single sample target for *E. coli* is 235/100ml expressed in allowable exceedance days and the geometric mean target is 126/100ml.

ii) Santa Clara River Chloride TMDL. The Regional Board adopted the TMDL in 2002. The State Water Board remanded the TMDL in 2003. The Regional Board revised the TMDL in July 2003 in response to the remand. In 2004, the Board amended the TMDL to update the interim waste load allocations, and in 2006 to revise the implementation schedule. The Regional Board most recently revised the TMDL and adopted conditional site specific objectives in December 2008. This TMDL is in effect as of April 6, 2010. The site specific objectives in the revised TMDL are conditioned on implementation of salt reduction/export projects by County Sanitation Districts of Los Angeles County (CSDLAC). CSDLAC is not implementing the required salt reduction/export projects; therefore, the water quality objectives for chloride are the current levels in the Basin Plan, which are 100 mg/L. The TMDL requires several interim deliverables prior to the final compliance deadline of May 4, 2015, including an EIR and a facilities plan to comply with final limits, which were due on May 4, 2011. CSDLAC did not submit an EIR or an adequate facilities plan and on May 27, 2011, the Executive Officer issued Notices of Violations (NOVs) for failure to complete these tasks. In response to the NOVs, CSDLAC submitted a letter stating it would prepare an EIR and facilities plan to comply with an effluent limit of 100 mg/L, while at the same time pursuing an alternative compliance approach. On January 6,

REVISED TENTATIVE

[1] The 2010 TMDL for the Santa Clara River estuary which was incorporated into the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands made the finding that the estuary was not impaired by Chem A compounds; however, the 303(d) list has not yet been updated to reflect the non-impairment.

2012, CSDLAC issued a Notice of Preparation of an EIR for facilities to comply with the 100 mg/L limit

iii) Santa Clara River Nutrients TMDL, in effect March 24, 2004. This TMDL addressed ammonia, nitrate and nitrite in reaches 3, 7 and 8.

R E V I S E D T E N T A T I V E

C. BACKGROUND/HISTORY.

1. The Los Angeles County Board of Supervisors approved the NRSP, and certified the Newhall Ranch Specific Plan Program Environmental Impact Report (EIR) on May 27, 2003. At the same time, the Board of Supervisors approved the Newhall Ranch Specific Plan Resource Management Plan (RMP). The RMP set forth, at a conceptual level, mitigation and management standards for sensitive biological resources located within the boundary of the approved NRSP.

2. Newhall Land applied to the Corps for a Clean Water Act section 404 permit in June 2003. Since then, Newhall Land has provided the Corps with extensive information regarding the proposed RMDP and potential alternatives, in order to ensure that the Corps will issue a Clean Water Act Section 404 permit for the least environmentally damaging practicable alternative (LEDPA), as required by Clean Water Act section 404(b)(1) and federal regulations. The Corps' Clean Water Act section 404(b)(1) alternatives analysis evaluated both off-site and on-site alternatives to the proposed project through an iterative process that gave particular consideration to high-value aquatic resources found within the RMDP area.

3. In July 2003 and February 2004, the Corps, CDFG, and Regional Board staff participated in field delineations of wetland and non-wetland waters of the United States and CDFG's streambed and riparian jurisdiction. A total of 10 site visits by the agencies were conducted to refine the delineations. In 2010, these delineations were revised and updated. CDFG asserts jurisdiction over 965.7 acres of aquatic resources and riparian areas within the RMDP site, which includes all of the 660.1 acres of waters of the United States present. Typical delineations to determine waters of the United States and, therefore, jurisdiction under the Clean Water Act, limit the boundaries to the visible Ordinary High Water Mark, however, for the RMDP site, the limits of the waters of the United States were mapped conservatively at the top of the stream bank to be coterminous with CDFG's riparian jurisdiction in the RMDP sites smaller streams. Only along portions of the Santa Clara River and small portions of larger drainages, such as Chiquito Canyon, was adjacent riparian vegetation outside of the stream bank not mapped as waters of the United States.

4. In 2004, the Corps, and CDFG, (in coordination with USFWS, USEPA, and Regional Board staff), developed seven development alternatives to be analyzed for environmental impacts, with graduated levels of minimization and avoidance of impacts to higher function and value streams and associated habitats, for the Corps' analysis of the RMDP. The Corps' first stage of analysis for on-site alternatives included the seven alternatives, including Newhall Land's proposed project which was Alternative 2, a no-fill alternative, and various other configurations designed to increase avoidance of waters of the United States. In addition, avoidance of CDFG's riparian jurisdiction and conservation of spineflower resources was also considered as part of CDFG's permitting responsibilities.

5. Referring to the seven alternatives, the Corps and CDFG prepared a Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the RMDP. The CDFG was the lead agency under the California Environmental Quality Act (CEQA) and the Corps was the lead agency under the National Environmental Policy Act (NEPA), for the purpose of analyzing environmental impacts of the RMDP (State Clearinghouse No. 2000011020). CDFG approved the final EIS/EIR on December 3, 2010, and the Corps approved the final EIS/EIR on August 31, 2011.

6. In addition to complying with NEPA, the Corps conducted an analysis pursuant to the Clean Water Act Section 404 (b)(1) Guidelines. The Corps initially prepared an alternatives analysis that evaluated three off-site alternatives and seven on-site alternatives as described above. From these alternatives, the Corps identified Alternative 3 as the Initial LEDPA and then directed Newhall Land to make additional modifications to Alternative 3 to increase avoidance of impacts to waters of the United States along the Santa Clara River, reduce impacts to a high-value spring complex in Middle Canyon, increase spineflower preserve acreage, and create larger riparian corridors in the five major tributary drainages. The Corps also considered various "sub-alternatives" that focused on the practicability of additional avoidance of impacts to waters of the United States in specific high-value resource areas and tributaries within the RMDP area. The Corps identified practicable additional avoidance of impacts to waters of the United States in Potrero Canyon and San Martinez Grande Canyon, further reducing permanent impacts by approximately 18 acres. The Corps chose this modified Alternative 3 as the "Draft LEDPA." The Draft LEDPA entailed 66.3 acres of permanent impacts and 32.2 acres of temporary impacts to waters of the United States, compared to 93.3 acres of permanent impacts and 33.3 acres of temporary impacts to waters of the United States for the proposed project.

7. The Corps coordinated with the USEPA Region 9, CDFG, and the Regional Board on its consideration of alternatives. Among other points, both USEPA Region 9 and the Regional Board staff especially expressed concern with the conclusion in the Draft LEDPA that avoidance in the Potrero Canyon

REVISED TENTATIVE

Drainage was not practicable under the Clean Water Act Section 404(b)(1) Guidelines. As a result of these discussions, proposed impacts in Potrero Canyon were reduced by 18.4 acres of waters of the United States, including 3.5 acres of wetlands in the middle reach of Potrero Canyon. This avoidance was achieved primarily by reconfiguring the development areas in Potrero Canyon and relocating the proposed manufactured open space to be adjacent to the drainage. The resulting project significantly minimizes impacts to Potrero Canyon. The Corps determined that the resulting project configuration was the "Final LEDPA" because no additional avoidance of waters of the United States was practicable in light of cost, logistics and the overall project purpose.

8. The Corps issued a provisional Clean Water Act section 404 permit for the Final LEDPA on August 31, 2011 (404 permit). The provisional 404 permit is made final by the issuance of this Order, which includes a Water Quality Certification with conditions pursuant to section 401 of the Clean Water Act. The 404 permit authorizes permanent impacts to 47.9 acres of waters of the United States (45.4 acres less than the proposed project), including 5.1 acres of wetlands (15.4 acres less than the proposed project). These impacts are associated with bank protection along water courses; drainage facilities such as storm drains or outlets and partially lined open channels; grade control structures; bridges and drainage crossings; building pads; and water quality control facilities. The 404 permit also authorizes temporary impacts to 35.3 acres of waters of the United States (2 acres more than the proposed project), including 11.8 acres of wetlands (0.6 acres more than the proposed project), associated with the construction of bank protection along water courses; utility crossings; construction of a WRP adjacent to the Santa Clara River; water quality control facilities; regular and ongoing maintenance of all flood, drainage, and water quality protection structures and facilities on the RMDP site; and temporary haul routes for grading equipment and geotechnical survey activities. The 404 permit requires Newhall Land to provide mitigation of these impacts through restoration of temporary impact areas and enhancement, restoration, and creation of 132.2 acres of waters of the United States, consisting of 35.2 acres of wetland waters and 97 acres of non-wetland waters within the Santa Clara River and its tributaries. These mitigation requirements result in a minimum of 2.4:1 mitigation ratio for permanently impacted waters and 1:1 ratio for temporary impacts. To account for temporal loss of habitat functions and services, the permit specifies that 54.9 acres of compensatory mitigation be implemented prior to any development impacts to waters of the United States, including 19.3 acres of wetlands creation in Lower Potrero Canyon, 15.9 acres of wetland creation in the Santa Clara River at Mayo Crossing, and 19.7 acres of habitat enhancement in portions of the upper Salt Creek watershed. The 404 permit is valid for 20 years.

9. Overall, the Final LEDPA will avoid permanent or temporary impacts to approximately 87 percent (576.9 acres) of the total 660.1 acres of waters of

REVISED TENTATIVE

the United States present on the RMDP site, compared to 80 percent avoidance under the proposed Project.

10. Newhall Land will preserve and protect in perpetuity approximately 612.2 acres of waters of the United States, including 271.8 acres of wetlands and approximately 271,861 linear feet of existing waters of the United States in Castaic Creek, the Santa Clara River and tributary drainages within the RMDP area. Conservation easements or deed restrictions shall provide mitigation for impacts associated with the RMDP, in addition to the creation, restoration and enhancement of waters of the United States. The purpose of the conservation easements or deed restrictions is to preserve in perpetuity high quality habitat for certain species and to preserve wildlife habitat and habitat values (conservation values) of great importance to the people of the State of California.

~~1) Newhall Land will convey one or more conservation easements that run with the land and that are recorded in the County Recorder's office to the CDFG along the Santa Clara River from the Commerce Center Bridge to the Los Angeles-Ventura County line in accordance with the CDFG MSAA in an amount no less than 868 acres.~~

~~2) Newhall Land will either offer the CDFG conservation easements or use deed restrictions that run with the land and that are recorded in the County Recorder's Office in tributary drainages to the Santa Clara River in the RMDP area in accordance with the CDFG MSAA in an amount no less than 304 acres.~~

~~3) Newhall Land will either offer the CDFG conservation easements or use deed restrictions that run with the land addressing, for example, types of plantings, permanent irrigation, access, recreational use, and/or structures on post-development open space areas adjacent to the Santa Clara River or tributary drainages in accordance with the CDFG MSAA.~~

~~4) Newhall Land will protect the Salt Creek wildlife movement corridor through the establishment of conservation easements and deed restrictions that run with the land within the Salt Creek area and agricultural fields connecting Salt Creek with open lands north of the Project area in accordance with the CDFG MSAA. Specifically, 138 acres of agricultural fields that straddle lower Salt Creek will be placed in a permanent agricultural conservation easement. Lower Salt Creek, which bisects the agricultural conservation easement area, will also be placed in a habitat conservation easement for Creek restoration and enhancement purposes. In addition, connective wildlife corridor areas specified within the Salt Creek area agricultural fields adjacent to the south of the Santa Clara River, agricultural fields between the Santa Clara River and SR-126, and agricultural fields adjacent to the north of SR-126 will be deed restricted~~

REVISED TENTATIVE

~~to provide a wildlife movement corridor. Those wildlife corridor areas will require that the vegetation planted in those areas (whether as agricultural or natural vegetation) be in the form of permanent trees and or shrubs.~~

11. On August 6, 2012, Newhall Land entered into a preliminary floodplain conservation agreement with the California Coastal Conservancy to protect floodplain values associated with property owned by Newhall Land downstream of the RMDP site (Newhall/Conservancy Agreement). The Newhall/Conservancy Agreement will further the goals of the Conservancy's Santa Clara River Parkway Project (Parkway Project). Under the Newhall/Conservancy Agreement, Newhall Land will record a restrictive covenant for floodplain protection over 439 acres of land located in Ventura County as shown on Exhibit 1 to the Newhall/Conservancy Agreement labeled, "Figure 2, Newhall Land Ventura County Property Floodplain Area." The 439 acres required under the Newhall/Conservancy Agreement include the 80 acres of upland floodplain required to be placed under a restrictive covenant under Section 3.1-6 of this Order. The Newhall/Conservancy Agreement requires the restrictive covenant to be consistent with the terms of that covenant required by Section 3.1-6 of this Order.

Farm areas covered by the restrictive covenant that are scoured by flooding will not be reclaimed for farm purposes except as needed for water wells, pipelines, utility lines, outfall structures, roads and other infrastructure. Newhall Land reserves the right to conduct habitat restoration and enhancement activities on the lands covered by the restrictive covenant.

Under the Newhall/Conservancy Agreement, Newhall Land also will provide public access for a pedestrian trail from the Newhall Ranch Specific Plan Regional Trail terminus at the Los Angeles County – Ventura County line on the north side of the Santa Clara River south of SR 126, downstream along the north bank of the River to the downstream limit of the Newhall Ranch property.

The Newhall/Conservancy Agreement is conditioned upon the Regional Board's approval of this Order, including resolution of any and all challenges to such approval. Newhall Land's obligations under the agreement will take effect upon commencement of the development activities authorized under this Order.

~~11.~~12. CDFG issued the CDFG MSAA for the RMDP on December 3, 2010 (Agreement No. 1600-2004-0016-R5). The CDFG MSAA authorizes permanent impacts to 77.55 acres of resources within CDFG jurisdiction and temporary impacts to 50.14 acres.

~~12.~~13. The EIR for Landmark Village was approved by the County of Los Angeles Department of Regional Planning on October 4, 2011. The Regional Board is

REVISED TENTATIVE

a responsible agency under CEQA for the Landmark Village EIR and has considered the environmental documentation of the lead agency. Regional Board staff commented on the draft EIR on January 22, 2007 and the comments were considered in the final EIR.

~~13.~~14. The EIR for Mission Village was approved by the County of Los Angeles Department of Regional Planning on October 25, 2011. The Regional Board is a responsible agency under CEQA for the Mission Village EIR and has considered the environmental documentation of the lead agency. Regional Board staff commented on the draft EIR on January 4, 2011 and the comments were considered in the final EIR.

~~14.~~15. The County of Los Angeles will be required to conduct additional environmental analysis under CEQA for additional villages or phases of the project.

~~15.~~16. The California Rapid Assessment Method (CRAM) is a standardized, cost-effective tool for assessing the health of wetlands and riparian habitats. This Order requires the use of CRAM for assessments of impacts to waters of the United States and for assessments of restored, created or enhanced waters in order to measure their efficacy.

~~16.~~17. **Stormwater Mitigation Plan.** Newhall Land prepared the Newhall Ranch Specific Plan Sub-Regional Stormwater Mitigation Plan (NRSP Sub-Regional SWMP), a comprehensive stormwater mitigation plan for the RMDP using a watershed-based approach that addresses pollutants of concern and hydrologic conditions of concern that can affect aquatic and riparian habitat and natural resources, In April 2008, the Los Angeles County Department of Public Works submitted the NRSP Sub-Regional SWMP to the Regional Board for review. The Regional Board Executive Officer determined, based on this review, that the NRSP Sub-regional SWMP was consistent with the 2001 Los Angeles County MS4 Permit (Order No. 01-182) and adequately covered the requirements for the Regional BMP substitution under the Development Planning Program, Regional Storm Water Mitigation Program provision (§ 4.D(9)) of the Los Angeles County MS4 Permit. The NRSP Sub-Regional SWMP was developed by Newhall Land in cooperation with Los Angeles County, consistent with the requirements of the Los Angeles County MS4 Permit and the Standard Urban Stormwater Mitigation Plan (SUSMP). It sets forth the urban runoff management program that will be implemented for the NRSP subregion. The Plan identifies the site design, source control, low impact development, treatment control, and hydromodification control best management practices (BMPs) that will be incorporated into each development area within the NRSP subregion to protect beneficial uses in the Santa Clara River and its tributaries. The NRSP Sub-Regional SWMP was accepted by the Los Angeles Regional Board Executive Officer in May 2008. As such, the NRSP Sub-Regional SWMP is enforceable as it substitutes for

REVISED TENTATIVE

the standard Development Planning Program requirements contained in the Los Angeles County MS4 Permit. Subsequently, a Newhall Ranch LID Performance Standard was developed, in consultation with USEPA Region 9 and the Regional Board (discussed in more detail in Part 1, Section 3.0 Provisions paragraph 13) which further clarifies the LID standards that will be applied to the build-out of the NRSP.

Tiered Review Process. Three levels of stormwater plan preparation have been established for the build-out of the NRSP. These levels include the NRSP Sub-Regional SWMP, which is a programmatic-level stormwater management plan that applies to the entire NRSP area (Tier 1); the Project Water Quality Technical Report, which provides the project-level stormwater plan for each of the villages within the NRSP area (Tier 2); and the final Project SUSMP, which will be prepared prior to the recordation of any final subdivision map (except those maps for financing or conveyancing purposes only) or the issuance of any grading or building permit, whichever comes first (Tier 3).

Project Water Quality Technical Report (WQTR). The Project WQTR, Tier 2, is prepared to ensure consistency with the terms and content of the NRSP Sub-Regional SWMP for each project within the subregion (i.e., Landmark Village, Mission Village, Homestead, and Potrero Valley). The Project WQTR provides more specific information and detail concerning how the provisions of the NRSP Sub-Regional SWMP will be implemented within the area covered by the Project WQTR, based upon the proposed land uses from the tentative tract maps filed with the County of Los Angeles (this level of detail is usually at a scale of 1" = 100'). At a minimum, each Project WQTR provides supplemental and site specific information concerning: (1) how site design, source control, low impact development, treatment control, and hydromodification control BMPs will be implemented at the project level for the area in question; (2) stormwater BMP sizing and locations within the subject project area; and (3) operation and maintenance responsibility for stormwater BMPs within the relevant project area. Newhall Land is required to prepare and submit to the Executive Officer for review a Project WQTR and Drainage Concept Report for each subsequent development area within the RMDP site as a condition of this permit. Regional Board staff reviewed and concurred with the Tier 2 Project Water Quality Technical Reports for the Landmark Village and Mission Village projects within the NRSP subregion.

18. Los Angeles County has land use and grading plan approval authority over each individual village of the NRSP. The Landmark Village and Mission Village subdivisions represent the first phases of development and were approved by Los Angeles County on February 21, 2012 and May 16, 2012, respectively. Later phases of development will be submitted for Los Angeles County approval, with development of these areas occurring over an estimated

REVISED TENTATIVE

20 year time frame. A preliminary development schedule is shown in attached Table 2, Project Development Phasing.

19. As part of Newhall Land's local environmental review process, Newhall Land retains a qualified environmental consulting firm to conduct a Phase I site assessment according to applicable ASTM standards. The tasks performed in the Phase I site assessment are expanded to include soil analysis and sampling for pesticides of areas within the RMDP that either presently or historically have been used for agricultural activities. The pesticide sampling includes Organochlorine pesticides (OCP), including DDT and degradation products, by EPA Method 8081; Organophosphate pesticides (OPP) by EPA Method 8141; and Chlorinated herbicides (CH) by EPA Method 8151.

Phase I assessments, expanded to include this soil sampling and analysis, have been conducted for the Landmark Village, Mission Village, and Homestead development areas. To date, no samples exceed either U.S. EPA Preliminary Remediation Goals (PRGs) or California Human Health Screening Levels (CHHSLs). Prior to development within the RMDP that presently or historically have been used for agricultural activities, this Order requires Newhall Land to submit for Executive Officer approval and implement a workplan for soil sampling and analysis for pesticides and herbicides in those areas.

20. The Board of Supervisors of the County of Los Angeles included the following as conditions of approval for Landmark Village and Mission Village Tracts of Newhall Ranch. Prior to obtaining its first building permit within Newhall Ranch:

A. The subdivider shall be required to complete all of its obligations for sending wastewater to the Valencia Water Reclamation Plant ("WRP") as required by the Agreement for Coordination of Wastewater Management Facilities dated January 9, 2002 (CSD Contract No. 3868), and shall provide a letter to Regional Planning from Santa Clarita Valley Sanitation District certifying that such obligations have been satisfied,

B. At the subdivider's sole cost, and for purposes of further treating wastewater that will be sent to the Valencia WRP from Newhall Ranch to a chloride concentration level of or less than 100 mg/l for up to 6,000 equivalent units, the subdivider shall complete the construction of interim chloride and demineralization facilities to the satisfaction of the Santa Clarita Valley Sanitation District, when facilities shall consist of, at a minimum: (1) a 1.2-acre demineralization facility to be constructed adjacent to the existing Valencia WRP; (2) a 1.6-acre brine disposal well facility located within the Valencia Commence Center, north of Castaic Creek; and (3) associated lines to and from the Valencia WRP to be

REVISED TENTATIVE

constructed in existing road rights-of-way primarily within the project's utility corridor. For purposes of this condition and Condition No. 53, "equivalent dwelling units" shall represent a wastewater equivalency determination based on an equivalency formula used by the Santa Clarita Valley Sanitation District.

The subdivider or designed shall grant any necessary easement(s) acceptable to the Santa Clarita Valley Sanitation District and the Newhall Ranch Sanitation District for use of the utility corridor to facilitate the construction and operation of the Newhall Ranch WRP.

C. Prior to obtaining a building permit(s) for any construction that would result in Newhall Ranch's exceeding 3,000 equivalent dwelling units, the subdivider or its designee shall complete site grading and bank protection of the Newhall Ranch WRP site and the utility corridor. Further, prior to obtaining a building permit(s) that would result in Newhall Ranch's exceeding 4,000 equivalent dwelling units, the subdivider or its designee shall start construction of the initial phase of the Newhall Ranch WRP, and the construction of this initial phase of the Newhall Ranch WRP shall be completed on or before the date that construction of the 6,000th equivalent dwelling unit within Newhall Ranch is completed.

~~The RMDP includes construction of a Water Reclamation Plant ("WRP") adjacent to the Santa Clara River; the Regional Board adopted an NPDES permit and Waste Discharge Requirements for a new wastewater facility for the Newhall Ranch Sanitation District (Order No. R4-2007-0046) effective October 27, 2007. Construction of this new wastewater facility has not yet begun. Newhall Ranch Sanitation District has submitted to the Regional Board a Report of Waste Discharge (ROWD) for renewal of the NPDES and Waste Discharge Requirements. The Regional Board and Newhall Ranch Sanitation District are discussing alternatives for waste disposal for the first two villages. Newhall has proposed temporarily pumping wastewater from these first two Villages to the Valencia Water Reclamation Plant pursuant to a 2002 agreement between Newhall and the Los Angeles County Sanitation Districts/Santa Clarita Valley Sanitation District. To date the Regional Board has not agreed that transfer of Newhall's wastewater to the Valencia facility can be approved.~~

Interim Wastewater Treatment. The wastewater generated by the first 6,000 dwelling units of the NRSP will be treated on an interim basis by the Santa Clarita Valley Sanitation District (SVCSD) at the existing Valencia WRP pursuant to the terms of an Interconnection Agreement entered into on January 9, 2002, between Newhall Land and the former Los Angeles County

R E V I S E D T E N T A T I V E

Sanitation District Nos. 26 and 32 (now known as the SCVSD). The Valencia WRP discharges tertiary-treated wastewater to the Santa Clara River pursuant to Order No. R4-2009-0074 and NPDES Permit No. CA0054216, which set forth WDRs, including effluent limitations, and a monitoring and reporting program that apply to the discharges of effluent from the facility. In conjunction with the interim treatment of wastewater generated by the first 6,000 dwelling units of the NRSP at the Valencia WRP, Newhall Land will construct interim chloride reduction facilities which would operate until the first phase of the Newhall Ranch WRP is constructed. The chloride reduction facilities will consist of: (a) a 1.2-acre demineralization facility using reverse osmosis or an equivalent process, to be constructed adjacent to the existing Valencia WRP; (b) a 1.6-acre brine disposal well facility located within the Valencia Commerce Center; and (c) associated lines to and from the Valencia WRP. The purpose of the chloride reduction facilities is to treat the effluent generated by the first 6,000 dwelling units of the NRSP to meet chloride concentration levels of 100 milligrams per liter or less prior to discharge into the Santa Clara River. Newhall Land will obtain necessary permits for construction and operation of the chloride reduction facilities and Newhall WRP, including a Class I non-hazardous Underground Injection Control permit from USEPA for two injection wells to dispose of brine for the proposed interim chloride facilities and the reverse osmosis system that will be part of the Newhall WRP.

21. **Recycled Water.** Newhall Land plans to maximize the use of recycled water on the project area. Plans include the use of up to 478 acre-feet per month (February through November) and up to 340 acre-feet per month (December and January) of tertiary-treated effluent for landscape irrigation and other uses in an average wet year. However, during wet weather, when the demand for recycled water is low, Newhall Ranch WRP will discharge effluent to the Santa Clara River. The Discharger will apply for WDRs with the Regional Water Board and submit an engineering report with the California Department of Public Health (CDPH), after the Newhall Ranch WRP treatment design is complete. The production, distribution, and reuse of recycled water for direct, non-potable applications will be regulated under separate Water Recycling Requirements. Prior to the operation of the Newhall Ranch WRP, and in times when the demand for recycled water exceeds the amount the Newhall Ranch WRP can provide, treated effluent from the Valencia Water Reclamation Plant will be used to supplement the recycled water supply so that the recycled water customers do not experience a shortage in service.

22. **Buffers**. The RMDP design includes Open Space Buffers along portions of the Santa Clara River consisting of both riparian areas and development setbacks.

REVISED TENTATIVE

Open Space Buffer riparian areas are open space between waters of the United States and the top of the buried bank stabilization that protect sensitive habitat and wildlife corridors and provide opportunities to establish and enhance areas of native habitats. The landward edge of the riparian areas is essentially coterminous with the river trail fencing. The riparian areas buffers mitigate the effects of urban land use on the natural environment and can intercept eutrophic pollutants and pesticides from urban runoff. Buffers may also provide for expansion of wetlands, waters of the United States and riparian zones. Recreational trails, as allowed by CDFG, and storm drain outfalls and maintenance roads may be located within the riparian buffer.

Open Space Buffer development setbacks are additional open space areas between residential or commercial development and the Open Space Buffer riparian areas. Facilities allowed within the development setbacks include the river trail, fencing, landscaping, utilities, water quality treatment facilities, and roadways. The function of the development setback is to minimize the effects of urban land uses on the Open Space Buffer riparian areas.

In a few locations along the Santa Clara River, Open Space Buffer riparian areas and/or development setbacks are not incorporated into the RMDP design. These locations include: 1) buried bank stabilization where the Chiquito Canyon drainage confluences with the Santa Clara River, at the northern abutment of the Long Canyon Bridge, and at SR-126 intersection improvements at Long Canyon Road; 2) the utility corridor west of San Martinez Grande; 3) the Long Canyon Road and Commerce Center Drive bridges; and 4) the Newhall Ranch WRP immediately upstream of the Ventura County line.

Except at the locations noted in the paragraph above, where development is less than 50 vertical feet above the Santa Clara River (Landmark Village and portions of Homestead South), the RMDP design includes Open Space Buffers between waters of the United States[2] and development, ranging in width from 220 feet to more than 900 feet, with an average width of approximately 550 feet. At the upper mesa development areas in Mission, Homestead South and Potrero Villages, where development is separated from the Santa Clara River by a minimum of 50 vertical feet, the RMDP design includes Open Space buffers ranging in width from 150 feet to more than 2,000 feet, with an average width of approximately 850 feet.

~~1.~~23. Newhall Land is authorized to permanently impact 47.9 acres of waters of the United States, including 5.1 acres of wetlands, associated with discharges of fill material for bank protection to protect land development projects along water

[2] Waters of the United States as defined in the Newhall Ranch RMDP 404 Permit issued by the Corps on August 31, 2011.

REVISED TENTATIVE

courses (including buried soil cement, buried gunite, grouted riprap, ungrouted riprap, and gunite lining); drainage facilities such as storm drains or outlets and partially lined open channels; grade control structures; bridges and drainage crossings; building pads; and water quality control facilities (sedimentation control, flood control, debris, and water quality basins), all as described in **Attachment 1**, 404 Permit Final LEDPA Project Description and the Corps' Section 404 Permit No. SPL-2003-01264-AOA.

~~2.~~24. Newhall Land is authorized to temporarily impact 35.3 acres of waters of the United States, including 11.8 acres of wetlands, associated with the construction of bank protection to protect land development projects along water courses (including buried soil cement, buried gunite, grouted riprap, ungrouted riprap, and gunite lining); utility crossings; activities associated with construction of a Water Reclamation Plant (WRP) adjacent to the Santa Clara River and associated bank protection; water quality control facilities (sedimentation control, flood control, debris, and water quality basins); and temporary haul routes for grading equipment and geotechnical survey activities, all as described in **Attachment 1**, 404 Permit Final LEDPA Project Description and the Corps' Section 404 Permit No. SPL-2003-01264-AOA.

~~3.~~25. Newhall Land is authorized to construct 35 outlets to and in the Santa Clara River; construct two bridges in the Santa Clara River (Long Canyon bridge and the Commerce Center Drive bridge); construct three bridges and 13 culvert road crossings in tributary drainages; and construct other infrastructure including roads, utilities and flood control structures, all as described in **Attachment 1**, 404 Permit Final LEDPA Project Description and the Corps' Section 404 Permit No. SPL-2003-01264-AOA.

D. RMDP PROJECT DESCRIPTION (Corps Final LEDPA)

1. The RMDP will facilitate the development of approximately 19,517 residential units, 5.45 million square feet of commercial uses and public facilities such as parks, schools and libraries on approximately 2,570 acres. Of the 13,651 acres within the RMDP project property, approximately 5,084 acres will be graded, with approximately 2,356 acres related to residential and commercial development; approximately 235 acres related to public facilities; approximately 552 acres related to roads and other infrastructure such as electrical substations; and the remaining 1,975 acres restored as manufactured open space (stabilized slopes revegetated with native vegetation) and recreational areas. This restored manufactured open space consists of approximately 700 acres of contoured slopes that will be planted with native vegetation, approximately 110 acres of utility corridor with restricted native vegetation (native shrub and grasses), approximately 200 acres of golf course (recreational planning unit overlay of approved residential planning areas in

REVISED TENTATIVE

Potrero Canyon), 90 acres of parks and recreational areas, and approximately 875 acres of parkways and other landscaped areas. The remaining 8,566 acres will be preserved as natural open space, for a total of approximately 10,528 acres of open space. The grading of the RMDP site will take place in a balanced cut-and-fill process.

2. Approximately 60 percent of the 5,084 acres that will be graded have been historically disturbed. The disturbed areas consist of approximately 1,285 acres of past agricultural operations, 916 acres of grazing land (California annual grassland), and 825 acres of disturbed areas (roads and oil facilities).

3. The RMDP as approved by the Corps (i.e., the Final LEDPA) includes the construction of two bridges across the Santa Clara River. Approximately 26,851 linear feet of buried bank stabilization will be installed in upland and riparian areas along approximately one half of the north bank (19,158 linear feet) and one-third of the south bank (7,693 linear feet) of the Santa Clara River. Twenty-five storm drain outlets will be installed along the north bank and ten outlets on the south bank of the river, and an outfall from the proposed Newhall Ranch WRP to the Santa Clara River will also be constructed. Geofabric bank protection or equivalent will be installed on the north side of the Santa Clara River between San Martinez Grande Canyon and Chiquito Canyon in connection with a utility corridor.

4. Within tributary drainages to the Santa Clara River, the RMDP includes the construction of three bridges over tributaries and 13 culvert road crossings over tributaries. The RMDP includes conversion of 47,195 linear feet of tributary channel to buried storm drain and installation of 67,537 linear feet of bank stabilization outside of waters of the United States along tributary drainages. As a mitigation measure, the 404 permit requires restoration of waters of the United States within 39,792 linear feet of the major tributary drainages. The RMDP avoids impacts to a total of 155,074 linear feet of tributaries. The combined avoidance and restoration of tributary drainages totals to 194,866 linear feet of tributary drainages within the RMDP Project site in the post-development condition, which is approximately 80 percent of the total 242,061 linear footage of jurisdictional drainages currently on the RMDP site. As required by the 404 permit, Newhall Land must preserve, stabilize, and reconstruct tributary drainages, which will, increase acres of tributary drainages from the existing 188.91 acres to 216.75 acres post-project. Dynamically stable channels (where neither long-term erosion and/or deposition is expected to occur, and where restored and/or enhanced vegetation communities would be supported), will be created within the Lion Canyon, Long Canyon, Chiquito Canyon, San Martinez Grande Canyon, Potrero Canyon, including adjacent wetlands, and the Salt Creek drainages.

5. The RMDP Project Description, included as **Attachment 1**, provides a complete description of the RMDP infrastructure and associated development

REVISED TENTATIVE

as determined to be the LEDPA pursuant to the Corps' 404(b)(1) Alternatives Analysis.

E. VILLAGE LEVEL PROJECT DESCRIPTIONS

E.1 LANDMARK VILLAGE

1. **Los Angeles County Approved Development.** The Landmark Village portion of the RMDP, as approved by the Los Angeles County Board of Supervisors as outlined above, will be developed on approximately 294 acres located in the central portion of the NRSP area, west of the confluence of Castaic Creek with the Santa Clara River, north of the River and south of SR-126 (Landmark Village Project), all of which will be graded. Development proposed for the Landmark Village Project tract map site includes a mix of housing types; mixed-use/commercial facilities; open space and recreation facilities; and infrastructure uses (*e.g.* parks, a fire station, elementary school, utilities, roads, etc.).

   Residential development will occupy approximately 129 acres of the Landmark Village Project site, while mixed use/commercial uses will occupy approximately 35 acres. Schools, park, open space, recreation and public service uses will occupy approximately 75 acres, and roads and a park and ride facility will occupy approximately 55 acres.

   In addition to the proposed development on the Landmark Village tract map site, the Landmark Village Project includes the development of off-site infrastructure and soil borrow areas. The location of off-site Project areas are depicted on *Figure 1, Village Phasing Plan*. These features are considered part of the Landmark Village Project area and include:

   - 181-acre Adobe Canyon borrow site and associated haul roads. The borrow site is located south of the Santa Clara River.
   - Four debris basins for stormwater flows collected by the tract map's storm drainage system. The basins will be located in an area approximately 120 acres in size directly north of SR-126 and east and west of Chiquito Canyon.
   - One potable water tank and one recycled water tank.

2. **Project Grading.** Off-site grading is required at several locations to develop the tract map site. The Adobe Canyon borrow site will be used to obtain soil to elevate the tract map site above the floodplain, and grading in Chiquito Canyon is required for the construction of debris basins and water tanks. Project-related grading will require the removal and recompaction of approximately 4.2 million cubic yards of soil material, and up to 5.8 million cubic yards of soil import from the Adobe Canyon borrow site. Approximately 1.2 million cubic yards will be

REVISED TENTATIVE

excavated from the Chiquito Canyon grading site and placed as fill in the adjacent canyons or be transported and stockpiled on the project site and/or tract map site. Approximately 98% of the Landmark Village area, or approximately 369 acres, will be graded, including 294 acres for the development and 75 acres of revegetated open space.

3. **Waters Affected by the Project.** There are approximately 2.48 acres of waters of the United States on the Landmark Village Project site, including 0.87 acres of waters in the Santa Clara River and 1.61 acres of waters within an on-site tributary drainage. The Landmark Village Project avoids these waters of the United States to the extent practicable. Of the 0.87 acres of waters of the United States within the Santa Clara River mainstem, the Landmark Village Project will result in permanent impacts to 0.06 acres. Of the 1.61 acres of waters of the United States located within the Agricultural Ditch tributary drainage, the Landmark Village Project will result in 1.37 acres of permanent impacts.

   There are no wetland waters of the United States associated with the Santa Clara River on the Landmark Village Project site. There are no wetland waters associated with the Agricultural Ditch tributary drainage. Additional information about impacts to the jurisdictional resources of the Santa Clara River and the on-site tributary drainage follows.

4. **Santa Clara River – Proposed Infrastructure and Impacts.** The Landmark Village Project will construct approximately 11,232 linear feet of soil cement bank stabilization along the north bank of the Santa Clara River as shown on *Figure 2, Santa Clara River Major Features* and summarized in Table 3. The bank stabilization will result in approximately 0.06 acres of permanent impacts and 0.42 acres of temporary impacts to waters of the United States within the Santa Clara River. The Landmark Village Project also includes the installation of two public trail viewing platforms and 12 stormwater drainage outfalls that will discharge to the Santa Clara River. The installation of those facilities will not result in impacts to waters of the United States.

5. **Tributaries – Proposed Features and Impacts.** There are no major tributaries to the Santa Clara River located on the Landmark Village Project site. A minor tributary known as "Agricultural Ditch" extends across the project site. Approximately 1,479 feet of this drainage channel will be converted to a buried storm drain, resulting in 1.37 acres of temporary impacts to waters of the United States and 0.06 acres of permanent impacts. Development of the Landmark Village Project will preserve approximately 329 feet of this drainage channel, which contains 0.18 acres of waters. Tributary drainage impacts are summarized in Table 4 and shown on *Figure 3, Modified, Converted, and Preserved Tributary Drainages.*

E.2 MISSION VILLAGE

REVISED TENTATIVE

1. **<u>Los Angeles County Approved Development</u>.** The Mission Village, as approved by the Los Angeles County Board of Supervisors as outlined above, encompasses approximately 1,260-acres located in the northeast corner of the NRSP area, south of the Santa Clara River and SR-126 and west of Interstate 5 (Mission Village Project), as shown on *Figure 1, Village Phasing Plan.* Development proposed for the Mission Village Project includes a mix of housing types; mixed-use, office and commercial facilities; open space and recreation areas; and infrastructure uses (*e.g.* parks, a fire station, library, school, utilities, roads, etc.). The Mission Village Project also includes regional access improvements, including the construction of the Commerce Center Drive Bridge, which will connect the existing northern terminus of Commerce Center Drive at SR-126 with the proposed southern extension of Commerce Center Drive onto the Mission Village Project.

   Residential development will occupy approximately 389 acres of the Mission Village Project, while mixed use and commercial uses will occupy approximately an additional 57 acres. School, park, recreation and other public service uses will occupy approximately 56 acres, and utility and road facilities will occupy approximately 164 acres. In total, proposed development will involve grading of approximately 666 acres, or approximately 49 percent, of the Mission Village Project.

   In addition to the proposed on-site development (*i.e.,* on the Mission Village tract map site) the Mission Village Project includes the development of off-site access and utility improvements, as shown on *Figure 1, Village Phasing Plan*. These features are considered part of the Mission Village Project area. Off-site facilities include:

   - An extension of Magic Mountain Parkway to provide regional access between the project site and I-5.
   - A new Southern California Edison substation located south of the Mission Village area.
   - Three water tanks, two debris basins, one water quality basin, and minor grading to facilitate on-site development and access routes.

2. **<u>Open Space</u>.** The Mission Village project includes approximately 693 acres of open/recreation space, including 85.8-acres of spineflower preserves, approximately 40 acres of parks and recreation centers, 275.9 acres of open space including 212.6 acres of river.

3. **<u>Project Site Grading</u>.** The Mission Village Project will result in approximately 27.9 million cubic yards of grading (27.9 million cubic yards of cut and 27.9 cubic yards of fill), including grading required for a sanitary sewer system and pump stations, potable and reclaimed water systems, and drainage improvements. The site is a balanced cut-fill development area, with minimal import or export required. Approximately 73% of the Mission Village area, or approximately 995

REVISED TENTATIVE

acres, will be graded, including 666 acres for the development and 328 acres of revegetated open space.

4. **Waters Affected by the Project.** There are approximately 173.81 acres of waters of the United States within the Mission Village Project site, including 151.45 acres of waters of the United States in the Santa Clara River and 22.36 acres of waters of the United States within tributary drainages. Of the 151.45 acres of waters of the United States within the Santa Clara River mainstem, the Mission Village Project will avoid 170.53 acres and result in permanent impacts to 2.36 acres. Of the 22.36 acres of waters of the United States located within tributary drainages, the Mission Village Project will avoid 3.10 acres, including 0.77 acres in Exxon Canyon, 2.19 acres in Middle Canyon, and 0.14 acres in Unnamed Canyon D. The project will result in 15.05 acres of permanent impacts to waters of the United States located in tributary drainages.

   Of the waters of the United States within the Mission Village Project area, there are approximately 43.98 acres of wetland waters of the United States, including 41.85 acres of wetlands in the Santa Clara River and 2.13 acres of wetland waters of the United States within tributary drainages (Middle Canyon). Of the 41.85 acres of wetlands within the Santa Clara River mainstem, the Mission Village Project will avoid 40.15 acres and result in permanent impacts to 1.70 acres. The Mission Village Project avoids all of the 2.13 acres of wetlands located within Middle Canyon. Additional information about impacts to the jurisdictional resources of the Santa Clara River and tributary drainages follows.

5. **Santa Clara River – Proposed Infrastructure and Impacts.** The infrastructure associated with the Mission Village Project includes the Commerce Center Drive bridge and approximately 1,866 linear feet of soil cement bank stabilization along the south bank of the Santa Clara River as shown on *Figure 2, Santa Clara River Major Features*. The bridge and bank stabilization will result in approximately 2.23 acres of permanent impacts and 5.26 acres of temporary impacts to waters of the United States within the Santa Clara River. The conversion of drainages to storm drains and displacement of drainages by development will require the fill of an additional 0.12 acres of waters within the river. The Mission Village Project also includes the installation of three stormwater drainage outfalls that will discharge to the Santa Clara River, which will require fill of an additional 0.10 acres of waters within the river.

   In total, the Mission Village Project will cause 2.36 acres of permanent impacts to waters of the United States in the Santa Clara River, including 1.7 acres of wetlands. The Project will also result in 5.26 acres of temporary impacts to waters of the United States, including 1.61 acres of wetlands. Impacts to the Santa Clara River associated with the Mission Village Project are summarized in Table 3.

6. **Tributaries – Proposed Features and Impacts.**

REVISED TENTATIVE

Lion Canyon. The Mission Village project includes the stabilization of the mainstem of Lion Canyon and filling of the minor branches of the drainages. This will result in 2.61 acres of permanent impacts and 2.18 acres of temporary impacts to waters of the United States in Lion Canyon as depicted on *Figure 4, Lion Canyon Detail*. No impacts to wetland waters will occur in the Lion Canyon drainage.

Of the 2.61 acres of permanent impacts, 1.26 acres are related to conversion of 2,595 feet of existing creek channel to buried storm drain. Other impacts to Lion Canyon include the installation of one road crossing culvert; and displacing creek channels to accommodate proposed development. The installation of grade control structures, debris basins and a regional water quality basin will also result in permanent impacts to jurisdictional resources. Permanent impacts to waters of the United States resulting from modifications to creek channels, grade control structures, and debris/water quality basins are summarized in Table 5.

Waters located in portions of the Lion Canyon drainage that are currently unstable and subject to erosion and head cutting, will be temporarily impacted by modifying existing channels to create a new and restored soft bottom channel. The new creek channel will be designed to stabilize the channel, maintain sediment equilibrium, enhance habitat, and protect the channel bed and banks from hydromodification. Long-term stabilization of the creek channel will be accomplished by installing approximately 26 step-pool grade control structures along 5,835 feet of the restored creek channel. Development in Lion Canyon will include installation of four debris basins and one regional water quality basin.

A typical grade control structure proposed for the RMDP is illustrated on *Figure 4, Lion Canyon Detail*. The design consists of three structural elements: a sill; a drop; and a stilling pool. The sill is a relatively narrow, linear feature, perpendicular to stream flow and typically extends across the entire width of the drainage (in some cases in the range of 50 to 400 feet in total width). The sill may be constructed using soil cement or buried riprap rock, with the area upstream of the sill being planted with riparian vegetation. The sill is designed to control stream sinuosity, training the flow within the boundaries of the channel bank protection. At the low point of the sill, a drop structure (approximately 3 to 15 feet high) is constructed using soil cement or exposed grouted, or ungrouted, riprap rock facing. This portion of the structure is not vegetated, and dissipates energy over the armored drainage feature. The requirements for grouting the drop portion of the structure is mainly dependent upon the flow energy needing to be dissipated. The stilling pool is used to further reduce flow velocity to preclude scouring of the downstream channel, and is constructed out of grouted or ungrouted riprap rock and gravel. These methods of channel bed stabilization were selected over the traditional vertical concrete drop structures as their elements: allow for and promote establishment of native vegetation; do not create a barrier to wildlife movement; do not require any routine maintenance; and the visual appearance mimics the natural environment.

REVISED TENTATIVE

Upon completion of stabilization and bank protection construction and restoration of disturbed areas, the Lion Canyon drainage will provide approximately 2.1 acres of waters of the United States mitigation area, and approximately 1.7 additional acres of California Department of Fish and Game Streambed Alteration Agreement mitigation capacity within the resulting bed and bank. These post-development areas are indicated on *Figure 4, Lion Canyon Detail.*

***Minor Tributaries*.** In addition to impacts in Lion Canyon, the Mission Village Project will result in permanent impacts to approximately 15.05 acres of waters of the United States in minor tributaries located on the Mission Village Project site as shown on *Figure 3, Modified, Converted, and Preserved Tributary Drainages*. No temporary or permanent impacts to wetland waters will occur in the minor tributaries. Impacts to the minor tributaries are described below and summarized on Table 4.

Exxon Canyon. Portions of this tributary will be converted to buried storm drains to accommodate proposed development. Approximately 1,754 feet of this drainage channel will be converted to a buried storm drain, resulting in 0.44 acres of permanent impacts to waters of the United States. Development of the Mission Village Project will preserve 1,788 feet of this drainage channel, which contains 0.77 acres of waters.

Middle Canyon, Unnamed Canyon D. A majority of Middle Canyon Drainage will be filled, with approximately 7,443 feet converted to buried storm drain and 143 feet of the lower section of the drainage preserved. Similarly, approximately 1,241 feet of Unnamed Canyon D will be converted to storm drain, with 250 feet preserved at the confluence with the Santa Clara River.

Dead End Canyon and Magic Mountain Canyon. Each of these tributaries will be substantially converted to buried storm drains to accommodate proposed development. The entire lengths of these canyons will be filled: including approximately 1,931 feet of Dead End Canyon, and approximately 6,111 feet of Magic Mountain Canyon within Mission Village.

Unnamed Canyon 1, and Unnamed Canyon 2. The two off-site tributaries within the Magic Mountain Parkway roadway extension at the eastern boundary of the Mission Village project area will be substantially converted to buried storm drains to accommodate proposed development. Specifically, the entire lengths of the canyons will be filled: approximately 4,647 feet of Unnamed Canyon 1; and approximately 416 feet of Unnamed Canyon 2.

E.3 UTILITY CORRIDOR/WRP OUTFALL/SR 126 BRIDGE WIDENING

1. **Project Characteristics.** The RDMP includes the development of utility service systems to serve urban development on the NRSP area. Utility systems that will result in permanent and temporary impacts to waters of the United States include a utility corridor, the treated wastewater outfall of the Newhall Ranch WRP, and

REVISED TENTATIVE

widened bridges and culverts located along Highway 126 ("SR-126") adjacent to the Project site, generally shown on *Figure 1, Village Phasing Plan.*

2. **WRP.** Los Angeles County approved the NRSP, and, as an individual project, the WRP development. The Regional Board adopted Waste Discharge Requirements for the Newhall Ranch Sanitation District (Order No. R4-2007-0046) effective October 27, 2007. The development of the WRP includes buried soil cement flood protection along the Santa Clara River and involves filling of two on-site minor tributary drainages as further described below.

3. **Utility Corridor.** The Los Angeles County approved subdivision maps for both the Landmark Village and Mission Village tracts, described above, including the primary electrical, sewer, water, gas and communication lines serving the NRSP area that will be installed in a utility corridor generally located parallel to the south side of SR-126 and north of the Santa Clara River. The corridor will extend approximately three miles between Castaic Creek to the east and the WRP to the west, and will be approximately 100 feet wide. The corridor will cross several tributaries to the Santa Clara River, including (from east to west) Castaic Creek, Chiquito Canyon, Mid-Martinez Canyon, San Martinez Canyon, and Off-Haul Canyon as shown on *Figure 3, Modified, Converted, and Preserved Tributary Drainages*.

   Trenching or where necessary, directional boring, will be used to install utility lines across the tributaries, and a 30 to 50-foot wide construction corridor will be required. Utility lines across watercourses will be located below scour depth and weighted or cemented in place, where appropriate, or co-located with bed stabilization features that provide scour protection. Following completion of construction activities, temporary impact areas will be restored to channel grade and re-vegetated with native riparian and upland species as appropriate.

   Permanent access for the maintenance of utilities will be provided outside the limits of the streambed and associated habitats.

   Buried soil cement or geofabric (turf reinforcement mat or other suitable non-degradable erosion material) bank protection will be provided along the utility corridor route. Approximately 4,300 linear feet of geofabric bank protection, designed to be planted with native vegetation, will be installed between the San Martinez Grande Canyon and Chiquito Canyon river confluences. Due to the relatively large width of the Santa Clara River in this area, the upland terraces along the north bank, are remote from high velocity flood flows, and therefore, not subject to riverbed geomorphological changes and excessive bank erosion forces. Based on the low velocity of flow expected in this area, the utility corridor bank will be protected with a vegetation covered geotextile fabric instead of buried soil cement. For the remaining approximately 3,130 linear feet of the utility corridor downstream of the San Martinez Grande confluence, the flood flow velocities necessitate armored bank lining flood protection. From the available methods of armoring stream banks for flood protection, buried soil

REVISED TENTATIVE

cement has been selected as the environmentally preferred alternative for the following reasons: it allows complete soil covering of the hard structure; establishment of native vegetation on the soil cover; it does not require routine maintenance or vegetation clearing; it uses onsite soil materials for construction; and, in the event the soil cement becomes exposed, it has the appearance of an un-vegetated natural river bank. The respective areas of bank protection are shown on *Figure 2, Santa Clara River Major Features.*

4. **WRP Outfall.** An effluent outfall pipeline approximately 30 inches in diameter will be constructed from the WRP, through bank stabilization, to an energy dissipater and pilot channel within the bed of the Santa Clara River. The approved WRP is to be located on the south side of SR-126, adjacent to the Santa Clara River and near the Los Angeles County/Ventura County jurisdictional line, and will be constructed on agricultural and other previously disturbed land.

   The outfall pipe will terminate on the river-side of proposed bank stabilization, similar to a typical storm drain outfall. An energy dissipater will be provided at the pipe outlet to minimize erosion-related impacts, with a narrow pilot channel formed in the riverbed to direct the discharge out to the active flow channel. An adjacent walkway will be used to conduct discharge inspections and to obtain water samples required under the NPDES permit for the WRP. The pilot channel will be excavated and lined with either concrete, gunite, turf reinforcement mat, rock, or if velocities are low enough, compacted soil. The channel and walkway will be maintained periodically to restore functions lost due to storm damage, vegetative growth, or soil erosion from WRP discharge. Maintenance will be limited to hand cutting vegetation along the path, maintaining the outlet and energy dissipater, and restoration of the functions of the pilot channel.

5. **Project Grading.** The WRP and utility corridor will result in approximately 78% of the area, or approximately 130 acres, being graded, including 97 acres for development and 33 acres of revegetated open space.

6. **SR 126 Bridge and Culvert Widening.** The RMDP indicates that three existing bridge/culvert road crossings along SR-126 will be widened by the California Department of Transportation to accommodate increased traffic resulting from the build out of the NRSP area. The SR 126 projects will be subject to project specific CEQA and NEPA review.

   The Castaic Creek Bridge will be widened from six to eight lanes and the San Martinez Grande Bridge will be widened from four to six lanes. The Chiquito Canyon culvert will be widened from four to six lanes. Depending on California Department of Transportation final design decisions on the SR 126/Chiquito Canyon interchange, the culvert may be revised to include three independent bridge decks and a separate trail bridge. The proposed extension of the existing culvert and bridge decks, piers and channel scour protection will incorporate design guidelines to minimize the alteration of existing hydrologic conditions, or cause negative affects upstream or downstream of the project. Water quality

REVISED TENTATIVE

control of roadway runoff must meet applicable California Department of Transportation requirements.

7. **Water Resources Affected by the Project.**

Utility Corridor and WRP. The utility corridor and WRP site will be located predominately outside of waters of the United States, however, the construction of the corridor and WRP site and their associated bank protection will result in temporary and permanent impacts to waters of the United States, including wetland and non-wetland waters of the United States in the Santa Clara River, and non-wetland waters in two minor tributaries. Impacts resulting from the construction of the utility corridor and WRP are summarized on Tables 3 and 4.

Santa Clara River. The approximately 7,430 linear feet of soil cement flood and erosion protection related to the utility corridor and WRP site directly impacts the Santa Clara River. Impacts include 1.81 acres of permanent impact to waters of the United States, including wetlands, and 3.35 acres of temporary impact to waters of the United States. Of these impacts, 1.37 acres of the permanent impacts and 2.36 acres of the temporary impacts are to wetlands.

Minor Tributaries. In addition to impacts in the Santa Clara River, the utility corridor and WRP site will result in permanent impacts to 1.53 acres of waters of the United States that are provided by minor tributaries located on the WRP project site as shown on *Figure 3, Modified, Converted, and Preserved Tributary Drainages*. No temporary or permanent impacts to wetland waters will occur in the minor tributaries. Impacts to the minor tributaries are described below and summarized on Table 4.

<u>Mid-Martinez Grande Canyon, and Off-Haul Canyon.</u> These tributaries will be converted to buried storm drains in their entirety to accommodate the utility corridor and WRP. The entire lengths of the following drainages within the Utility Corridor and WRP project area will be filled: approximately 550 feet of Mid-Martinez Grande Canyon, consisting of 0.12 acres of waters of the United States; and approximately 450 feet of Off-Haul Canyon, consisting of 0.70 acres of waters.

WRP Outfall. The WRP outfall pipe and associated energy dissipater and pilot channel into the bed of the Santa Clara River will be constructed in a river terrace, outside of waters of the United States.

SR 126 Bridge and Culvert Widening. Temporary and permanent impacts to waters of the United States resulting from the construction of improvements to SR-126 are summarized on Tables 3 and 4. Due to the public safety and protection of property issues that could occur should a culvert or bridge become obstructed during high-flow events, extensive maintenance may be required at these facility locations. The California Department of Transportation will conduct the maintenance and will require separate permitting for activities

REVISED TENTATIVE

impacting waters of the United States. Proposed maintenance measures include visual inspections, debris removal, vegetation clearing, and pier wall or culvert inlet/outlet headwall repair, all of which would occur within the temporary impact zone required for the original structure construction.

E.4 HOMESTEAD SOUTH VILLAGE

1. **Proposed NRSP Village Development.** The tentative tract map for the Homestead South Village portion of the Newhall Ranch master planned community has not been submitted to Los Angeles County for subdivision approval, and therefore detailed land use planning is not available for this planning area nor has the project-level EIR for the Homestead South Village been completed. Under the RMDP, a land use plan consistent with the NRSP was used in the impacts analysis. Under the RMDP, Homestead South Village will be developed on approximately 1,635 acres located in the central portion of the NRSP site. The Homestead South Village Project site is generally located south of the Santa Clara River, west of the Mission Village Project site and north of the Potrero Village site. A small portion of the Homestead South Village Project site will be located north of the River and south of SR-126. Development proposed for the Homestead South Village includes a mix of housing types; mixed-use/commercial facilities; open space and recreation facilities; and infrastructure uses (*e.g.* parks, high school and elementary school, utilities, roads, etc.).

   Residential development will occupy approximately 487 acres of the Homestead South Village Project site. School, park, open space, recreation and public service uses will occupy approximately 1,238 acres, and roads will occupy approximately 90 acres.

   Project Grading. The Homestead South Village Project will result in approximately 25 million cubic yards of grading in a balanced cut-fill grading operation (25 million cubic yards of cut and 25 cubic yards of fill). Approximately 64% of the Homestead South Village area, or approximately 1,126 acres, will be graded, including 724 acres for the development and 402 acres of revegetated open space.

2. **Waters Affected by the Project.** There are approximately 193.73 acres of waters of the United States within the Homestead South Village Project site, including 179.78 acres of waters of in the Santa Clara River and 13.95 acres of waters within the on-site tributary drainages. Of the 179.78 acres of waters of the United States within the Santa Clara River mainstem, the Homestead South Village Project will result in permanent impacts to 1.16 acres. Of the 13.95 acres of waters of the United States located within the on-site tributary drainages, the Homestead South Village Project will result in 2.99 acres of permanent impacts.

   Of the waters of the United States within the Homestead South Village Project site, there are approximately 108.09 acres of wetland waters in the Santa Clara River. There are no wetland waters in the on-site tributary drainages. Of the

REVISED TENTATIVE

108.09 acres of wetlands within the Santa Clara River mainstem, the Project will avoid permanent impacts to 98.28 acres and result in permanent impacts to 1.16 acres. Additional information about impacts to waters of the United States provided by the Santa Clara River and tributary drainages follows.

3. **Santa Clara River – Proposed Infrastructure and Impacts.** Infrastructure to be provided for the Homestead South Village Project includes the Long Canyon Bridge and approximately 6,070 linear feet of soil cement bank stabilization along the south bank of the Santa Clara River. Construction of the Project will also require the use of a temporary haul road across the River and the implementation of habitat restoration activities. These project-related actions will result in 1.16 acres of permanent impacts and 2.49 acres of temporary impacts to waters of the United States within the river. The Homestead South Village Project also includes the installation of six stormwater drainage outfalls that will discharge to the Santa Clara River, however, those facilities will not result in impacts to waters of the United States. Impacts to the Santa Clara River associated with the Homestead South Village Project are summarized in Table 3.

4. **Tributaries – Proposed Features and Impacts**

***Long Canyon*.** The Homestead South Village Project will result in 5.23 acres of permanent impacts and 0.01 acres of temporary impacts to waters of the United States in Long Canyon. No impacts to wetland waters will occur in the Long Canyon drainage.

Approximately 8,742 feet of Long Canyon drainage that is currently unstable and subject to erosion and head cutting will be permanently impacted by filling, with the area regraded to accommodate a channel with grade control structures and four road crossing culverts within the new channel. In addition, approximately 961 feet of creek bed associated with the southern fork of Long Canyon will be converted to buried storm drain. Permanent impacts to waters resulting from modifications to the creek channel are summarized in Table 6. The design of a typical grade control structure is illustrated on *Figure 4, Lion Canyon Detail*, and as previously described for Lion Canyon above.

The re-graded and reconstructed Long Canyon drainage will provide approximately 23.4 acres of waters of the United States mitigation area, and approximately 40.7 additional acres of California Department of Fish and Game Streambed Alteration Agreement mitigation capacity within the resulting bed and bank. These post-development areas are indicated on *Figure 5, Long Canyon Detail*, and described in further detail in the RMDP Biological Mitigation Measure (BIO-2) Plan included as **Attachment 4.**

***Lion Canyon West Fork*.** The Homestead South Village Project and the Mission Village Project tract map boundaries have the mainstem of Lion Canyon drainage on their border, and for purposes of the project description, all impacts associated with the stabilization of the Lion Canyon mainstem have been incorporated into

REVISED TENTATIVE

the Mission Village description. The Homestead South Village Project will result in 2.07 acres of permanent impacts in the west fork of Lion Canyon as shown on *Figure 4, Lion Canyon Detail*. No impacts to wetland waters will occur in the Lion Canyon drainage. The west fork of the Lion Canyon drainage within the Homestead South Village tract will be permanently impacted by converting approximately 3,500 feet of the existing creek channel, consisting of 2.07 acres of waters of the United States, to buried storm drain. There are no temporary impacts to Lion Canyon within the Homestead South Village project. Permanent impacts to waters resulting from modifications to the creek channel are summarized in Table 5.

***Minor Tributaries*.** The Homestead South Village Project will result in permanent impacts to 0.92 acres of waters of the United States provided by minor tributaries located within the Project area. No impacts to wetland waters will occur in the minor tributaries. Impacts to the minor tributaries are described below and summarized on Table 4.

Humble Canyon, Unnamed Canyon B, and Unnamed Canyon C. Portions of these tributaries will be converted to buried storm drains to accommodate proposed development. A small portion of Humble Canyon will be filled, with approximately 421 feet converted to buried storm drain, consisting of 0.14 acres of waters of the United States. Approximately 5,116 feet of the remaining drainage, including of 1.77 acres of the drainage headwaters, will be preserved. The headwater of Unnamed Canyon B will be filled, with approximately 1,004 feet of the drainage converted to buried storm drain, with resulting permanent impact to 0.45 acres of waters of the United States. Approximately 568 feet of the lower drainage, downstream to the Santa Clara River confluence, containing 0.27 acres of waters, will be preserved. Similarly, approximately 402 feet of Unnamed Canyon C will be converted to storm drain, resulting in 0.18 acres of permanent impact to waters of the United States, with approximately 869 feet of drainage, consisting of 0.49 acres of waters of the United States, being preserved downstream to the confluence with the Santa Clara River.

Ayers Canyon**.** A road culvert will be installed in a portion of this on-site tributary, which includes 0.15 acres of waters of the United States. Ayers Canyon remains preserved except for the culvert crossing, with approximately 2,363 feet of drainage remaining, including 2.42 acres of waters of the United States preserved.

E.5 HOMESTEAD NORTH VILLAGE

1. **Project Characteristics.** The tentative tract map for the Homestead North Village portion of the RMDP has not been submitted to Los Angeles County for subdivision approval, and therefore detailed land use planning is not available for this planning area nor has the project-level EIR for Homestead North Village been completed. Under the RMDP, a land use plan consistent with the NRSP was used in the impacts analysis. The Homestead North Village portion of the RMDP will

REVISED TENTATIVE

be developed on approximately 1,600 acres located in the northwestern portion of the NRSP area. The Homestead North Village site is generally located north of SR-126 and west of the Landmark Village Project site. Development proposed for the Homestead North Village Project includes a mix of housing types; mixed-use/commercial facilities; open space and recreation facilities; and infrastructure uses (*e.g.* parks, utilities, roads, etc.*)*.

Residential development will occupy approximately 295 acres of the Homestead North Village Project site, while mixed use/commercial uses will occupy approximately 77 acres. Park, open space, recreation and public service uses will occupy approximately 1,153 acres, and roads will occupy approximately 75 acres.

Project Grading. The Homestead North Village Project will result in approximately 13 million cubic yards of grading in a nearly balanced cut-fill grading operation (13 million cubic yards of cut and 12.5 million cubic yards of fill). Approximately 500,000 cubic yards of export are associated with non-RMDP Project development and improvements to SR-126 east of the project site. Approximately 48% of the Homestead North Village area, or approximately 762 acres, will be graded, including 465 acres for the development and 297 acres of revegetated open space.

2. **Waters Affected by the Project.** There are approximately 22.69 acres of waters of the United States in tributary drainages located within the Homestead North Village Project site. The tributaries on the Project site do not contain any wetland waters. The Project site does not include any waters of the United States associated with the Santa Clara River. The Homestead North Village Project will result in 11.74 acres of permanent impacts to waters of the United States. Additional information about impacts to the waters follows.

3. **Tributaries – Proposed Features and Impacts.**

***Chiquito Canyon*.** There are 12.21 acres of waters of the United States in Chiquito Canyon on the Homestead North Village Project site. The Project will result in 4.70 acres of permanent impacts and 3.40 acres of temporary impacts to waters of the United States in Chiquito Canyon.

Portions of the Chiquito Canyon drainage that are currently unstable and subject to erosion and head cutting, will be permanently impacted by converting approximately 2,571 feet of existing creek channel, consisting of 0.84 acres of waters of the United States, to buried storm drain; the installation of three road crossing culverts; the installation of approximately 13,257 linear feet of bank stabilization along approximately 4,080 feet of the mainstem of the drainage; the installation of grade control structures; and by proposed development. Permanent impacts to waters of the United States resulting from modifications to the creek channel are summarized in Table 7.

REVISED TENTATIVE

Waters of the United States located in portions of the Chiquito Canyon drainage will be temporarily impacted by the creation of modified/restored soft bottom channels and the construction of grade control structures/debris basins. Temporary impacts to waters of the United States resulting from proposed modifications are described in Table 7. The design of a typical grade control structure is illustrated on *Figure 4, Lion Canyon Detail*, and as previously described for Lion Canyon above.

Upon completion of stabilization and bank protection construction and restoration of disturbed areas, the Chiquito Canyon drainage will provide approximately 9.8 acres of waters of the United States mitigation area, and approximately 19.2 additional acres of California Department of Fish and Game Streambed Alteration Agreement mitigation capacity within the resulting bed and bank. These post-development areas are indicated on *Figure 6, Chiquito Canyon Detail*, and described in further detail in the RMDP Biological Mitigation Measure (BIO-2) Plan included as **Attachment 4.**

***San Martinez Grande Canyon*.** There are 2.55 acres of waters of the United States in San Martinez Grande Canyon on the Homestead North Village Project site. The Project will result in 0.22 acres of permanent impacts and 1.06 acres of temporary impacts to waters of the United States in San Martinez Grande Canyon. Portions of the San Martinez Grande Canyon drainage that are currently unstable and subject to erosion and head cutting, will be permanently and temporarily impacted by installing approximately 7,307 linear feet of bank stabilization; the installation of one roadway bridge and one road culvert; and the installation of grade control structures. Permanent and temporary impacts to waters of the United States in San Martinez Grande Canyon are summarized in Table 8. The design of a typical grade control structure is illustrated on *Figure 4, Lion Canyon Detail*, and as previously described for Lion Canyon above.

Upon completion of stabilization and bank protection construction and restoration of disturbed areas, the San Martinez Grande Canyon drainage will provide approximately 6.8 acres of waters of the United States mitigation area, and approximately 11.1 additional acres of California Department of Fish and Game Streambed Alteration Agreement mitigation capacity within the resulting bed and bank. These post-development areas are indicated on *Figure 7, San Martinez Grande Canyon Detail*, and described in further detail in the RMDP Biological Mitigation Measure (BIO-2) Plan included as **Attachment 4.**

***Minor Tributaries*.** The minor tributaries located on the Homestead North Village Project site provide a total of 7.92 acres of waters of the United States. No wetland waters are provided in the on-site minor tributaries. The Homestead North Village Project will result in permanent impacts to 6.82 acres of waters of the United States. The project will not result in any temporary impacts to waters of the United States. Impacts to the minor tributaries are described below and summarized on Table 4.

REVISED TENTATIVE

Homestead Canyon, and Mid-Martinez Canyon. Approximately 609 feet of Homestead Canyon drainage, consisting of 0.22 acres of waters of the United States, will be converted to buried storm drains to accommodate proposed development. The entire Mid-Martinez Canyon drainage within the Homestead North Village project site will be filled, with approximately 3,796 feet converted to buried storm drain, consisting of 1.84 acres of waters of the United States.

Off-Haul Canyon. A substantial portion of Off-Haul Canyon will be converted to buried storm drains to accommodate proposed development. Approximately 5,314 feet of the drainage will be converted to buried storm drain, with resulting permanent impact to 4.76 acres to waters of the United States. Approximately 3,014 feet of the headwaters of Off-Haul Canyon, including 0.32 acres of waters of the United States within the tract boundary, will be preserved.

Unnamed Canyon A. Approximately 1,293 feet of Unnamed Canyon A drainage, consisting of 0.78 acres of waters of the United States, will be preserved, with no impacts from the project.

E.6 POTRERO VILLAGE

1. **Project Characteristics.** The tentative tract map for the Potrero Village portion of the RMDP has not been submitted to Los Angeles County for subdivision approval, and therefore detailed land use planning is not available for this planning area nor has the project-level EIR for Potrero been completed. Under the RMDP, a land use plan consistent with the NRSP was used in the impacts analysis. The Potrero Village portion of the Newhall Ranch master planned community will be developed on 3,000 acres located south of SR-126 and north of the High Country open space area that is to be established on the NRSP area. Development proposed for the Potrero Village Project includes a mix of housing types; mixed-use/commercial facilities; open space and golf and recreation facilities; elementary school; visitor service center in the High Country; and infrastructure uses (*e.g.* parks, utilities, roads, etc.*)*.

2. Residential development will occupy approximately 900 acres of the Potrero Village Project site, while commercial uses will occupy approximately 38 acres. School, park, open space, recreation and public service uses will occupy approximately 1,550 acres, and roads will occupy approximately 104 acres.

Project Grading. The Potrero Village Project will result in approximately 26 million cubic yards of grading in a balanced cut-fill grading operation (26 million cubic yards of cut and 26 million cubic yards of fill). Approximately 57% of the Potrero Village project area, or approximately 1,703 acres, will be graded, including 1,275 acres for the development and 427 acres of revegetated open space. The remaining area will be preserved as natural open space.

Waters Affected by the Project. There are approximately 164.21 acres of waters of the United States within the Potrero Village Project site, including 123.71 acres

REVISED TENTATIVE

of waters of the United States in the Santa Clara River and 40.50 acres of waters of the United States within the on-site tributary drainages. The Potrero Village project does not impact the 114.35 acres of waters of the United States within the Santa Clara River mainstem other than impacts that may result from the restoration of an existing river crossing, which will occur after all construction has been completed. Of the 40.50 acres of waters of the United States located within the on-site tributary drainages, the Potrero Village Project will result in 2.06 acres of permanent impacts.

Of the waters of the United States within the Potrero Village Project site, there are approximately 102.59 acres of wetland waters in the Santa Clara River. There are 7.28 acres of wetland waters within the Potrero Canyon drainage, primarily consisting of cis-montane alkali marsh wetlands. The project does not impact any of the 95.31 acres of wetlands within the Santa Clara River mainstem. Within Potrero Canyon drainage, there are 0.49 acres of permanent impacts, and 1.61 acres of temporary impacts, to wetlands associated with grade control structures, bank protection and road crossings. Additional information about impacts to waters of the United States provided by the Santa Clara River and tributary drainages follows.

3. <u>Tributaries – Proposed Features and Impacts</u>

***Potrero Canyon*.** Portions of the Potrero Canyon drainage will be permanently impacted by the construction of three road crossing culverts and one roadway bridge; creek channel bed stabilization of approximately 13,743 feet of the mainstem of Potrero drainage, including approximately 31,097 linear feet of bank stabilization within the reach; the installation of no more than 60 grade control structures; a water quality control basin and debris basins; and the creation of manufactured open space areas. Permanent impacts to waters of the United States in Potrero Canyon are summarized in Table 9.

Waters of the United States located in portions of the Potrero Canyon drainage that are currently unstable and subject to erosion and head cutting, will also be temporarily impacted by proposed road culverts and bridge, bank stabilization, and the installation of grade control structures. Temporary impacts to waters of the United States resulting from proposed modifications are described in Table 9. The design of a grade control structure specific to Potrero Canyon is illustrated on *Figure 8, Potrero Canyon Detail.* The specific design for Potrero consists of a sill, a drop, and a stilling pool pursuant to the Potrero Creek Stream Stabilization Criteria, as required by the Corps permit. Stream stabilization measures used in Potrero Creek will conform to the following design criteria.

1. Not more than 60 Step-Pool Grade Control Structures (GCS) shall be located along the Potrero Creek drainage within the RMDP project area.

REVISED TENTATIVE

2. Height: The average height of the GCS (the elevation of the drop stabilized by each structure) shall be 4 feet, with no structures greater than 5 feet high and a target height of 3 feet.
3. The grade control structures shall be located to minimize impacts or to avoid localized aquatic vegetation or habitats, stabilize existing headcuts, and be sited in conjunction with road crossings. The preferred grade control design shall be a 3-foot-high step pool structure and constructed using ungrouted boulders.
4. Neither grouted riprap nor soil cement will be used in the drop structures to avoid the introduction of cement based materials into sensitive habitats within Potrero Canyon drainage.

The Potrero Canyon drainage will provide approximately 14.0 acres of waters of the United States mitigation area, and approximately 84.3 additional acres of California Department of Fish and Game Streambed Alteration Agreement mitigation capacity within the resulting bed and bank. These post-development areas are indicated on *Figure 8, Potrero Canyon Detail.*

***Salt Canyon*.** The Potrero Village Project will result in 0.22 acres of permanent impacts and 7.28 acres of temporary impacts to waters of the United States in Salt Canyon. Permanent impacts will result from the construction of approximately 1,841 linear feet of bank stabilization along the eastern bank of Salt Creek for flood protection of the High Country Visitor Serving Center development area. Temporary impacts to waters will result from restoration activities along approximately 7,392 linear feet of Salt Creek. Of the 7.28 acres of temporary impacts, 1.14 acres of impact will occur in wetland waters.

F. **RMDP Facility Maintenance**

1. **Santa Clara River and Tributary Feature Maintenance.** All infrastructure facilities associated with the RMDP Project will be subject to periodic maintenance activities, with visual inspection being the least invasive activity. The RMDP Maintenance Manual included as **Attachment 2**, provides detailed requirements for the operation and maintenance of the facilities. A summary of proposed maintenance activities is provided below.

2. **Bridges and Road Crossings**. Vegetation and sediment will only be removed to maintain minimum vertical clearance beneath bridge and adequate water conveyance through culverts in the area approximately 25 feet upstream and 25 feet downstream of the structure. Impacts from maintenance will be in the same footprint as the original construction impacts. Work areas will be restored to pre-maintenance conditions in accordance with a restoration plan.

3. **Bank Stabilization**. Newhall Land or the Los Angeles County Flood Control District (LACFCD), or other responsible entity, will perform periodic visual inspections of the buried soil cement bank protection. Bank stabilization will be

REVISED TENTATIVE

repaired as needed to maintain structural integrity. Work areas will be limited to the repair site and a 30-foot radius around the work area. Impacts from maintenance will be in the same footprint as the original construction impacts and will not result in any additional fill of waters of the United States. Work areas will be restored to pre-maintenance conditions in accordance with a restoration plan.

4. **Storm Drains**. Newhall Land or LACFCD, or other responsible entity will remove outfall sediment as needed using light equipment or hand crews to create a swale up to 75 feet long and 10 feet wide to prevent obstruction of flow. Maintenance will occur in the same footprint as the original permanent construction impacts. Each outfall could result in the periodic dredging of approximately 150 cubic yards of sediment, which if managed on-site will be spread at the maintenance site outside of jurisdictional areas. Placement of fill in waters of the United States is not anticipated and would require additional permitting.

5. **Drainages Modified and Restored**. Waters of the United States created in Lion Canyon will be allowed to function as a natural stream course environment, with no routine maintenance anticipated. However, pursuant to the provisions of a required Geomorphology Monitoring and Management Plan (described in Part 1, Section 3.0, Provision No. 27 below), Newhall Land or LACFCD, or other responsible entity will conduct routine inspections to ensure proper function of the structures. If the specified design standards are not achieved, supplemental activities will be required, including: removal or placement of sediment to modify the channel bed invert; modification of grade control structures; or augmentation of riparian vegetation. These actions will be taken within the original construction impact footprint.

6. **Debris Basins**. Newhall Land or LACFCD, or other responsible entity will conduct periodic removal of sediment and woody vegetation to maintain basin capacity and function. Heavy equipment, light equipment and/or hand crews may be used. In most locations, the basins will not be located within waters of the United States, however, where located in waters of the United States, impacts from maintenance will be in the same footprint as the original construction impacts. Sediment that is periodically removed will be directed to a legal point of disposal (e.g., landfill, sediment disposal site, or other beneficial re-use). Sediments will not be discharged into jurisdictional waters.

7. **Grade Control Structures**. Grade control and step pool structures will be primarily self-maintaining with a limited need for sediment removal and vegetation control. Pursuant to the provisions of a required Geomorphology Monitoring and Management Plan (described in Part 1, Section 3.0, Provision No. 27 below), Newhall Land or LACFCD, or other responsible entity will conduct routine inspections to ensure proper function of the structures. Sediment will be

REVISED TENTATIVE

removed when a structure does not function properly or causes nuisance conditions.

8. **Water Quality/Detention Basins**. Newhall Land or LACFCD, or other responsible entity will conduct routine maintenance including removal of trash and debris; pruning and/or removal of large shrubs or trees that interfere with basin operation subject to bird nesting requirements; removal of invasive vegetation; removal of sediment buildup exceeding 50% of forebay capacity; and removal of sediment from facility when it exceeds a depth of six inches. Water quality basins are generally located in upland locations that are not waters of the United States locations, and maintenance will not result in additional impacts to waters of the United States. Although the basins are intended to treat runoff from developed areas and should not generate substantial quantities of sediment, periodic maintenance may require sediment removal from the basin forebay. Sediment will be removed and directed to a legal point of disposal or beneficial reuse. In addition, to maintain adequate infiltration functions, reconstruction of the basin subdrain may occur on an infrequent basis.

REVISED TENTATIVE

G. OTHER CONSIDERATIONS

This Order sets forth waste discharge requirements (WDRs) and provides Clean Water Act section 401 water quality certification pursuant to Water Code section 13263. The Regional Board considers WDRs necessary to adequately address impacts and mitigation to beneficial uses of waters of the State from this Project, to meet the objectives of the California Wetlands Conservation Policy (Executive Order W-59-93), and to accommodate and require appropriate changes over the life of the RMDP.

1. The goals of the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993) include ensuring "no overall loss" and achieving a "…long-term net gain in the quantity, quality, and permanence of wetland acreage and values...." Senate Concurrent Resolution No. 28 states that "[i]t is the intent of the legislature to preserve, protect, restore, and enhance California's wetlands and the multiple resources which depend on them for benefit of the people of the State." Section 13142.5 of the California Water Code requires that the "[h]ighest priority shall be given to improving or eliminating discharges that adversely affect…wetlands, estuaries, and other biologically sensitive areas."

2. On January 27, 2005, the Regional Board adopted Resolution No. 2005-002 regarding the Regional Board's regulation of hydromodification. This policy reiterates the Regional Board's existing authority to regulate hydromodification within the Los Angeles Region, and expresses the intent of the Board to evaluate the need for and to develop as appropriate new policies or other tools to control adverse impacts from hydromodification on the water quality and beneficial uses of water courses in the Los Angeles Region. The alteration away from a natural state of stream flows or the beds or banks of rivers, streams, or creeks, including

ephemeral washes, which results in hydrogeomorphic changes, is generally referred to in this resolution as a hydromodification. Resolution No. 2005-002 represented an initial step in the process of first, heightening awareness about the potential impacts of hydromodification on water quality and beneficial uses and evaluating existing laws and regulations and the methods employed by Regional Board staff when reviewing proposed hydromodification projects and, second, strengthening, if necessary, controls and policies governing hydromodification that negatively affect water quality and beneficial uses.

3. Pursuant to Water Code section 13263(g):

   a. "No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights."

4. As set forth in Water Code section 13263(e), the Regional Board will periodically review this Order. The Executive Officer will periodically provide a report to the Regional Board at least every five years and, as necessary, at other intervals per the pace of village development. The Executive Officer will consider new environmental analyses under CEQA, changed environmental conditions and new information of environmental contamination or water quality impairment. The Regional Board may revise the requirements of this Order as necessary to protect water quality, pursuant to CWC section 13263(e) or to implement any new or revised water quality standards and implementation plans or policies adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

5. This Project is filed with the Regional Board under WDR Order No. xxx and 401 file number **11-168 WDR**.

6. The Regional Board has notified Newhall Land and Farming and other interested agencies and persons of its intent to prescribe WDRs for this discharge.

7. A tentative Order was released for public comment on March 9, 2012. Written comments were accepted until 5:00 p.m. on April 20, 2012.

8. The Board, in public meetings on June 7, 2012, August 7, 2012, and September 14, 2012 heard and considered all comments pertaining to the discharge.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. The California Environmental Quality Act ("CEQA"), Pub. Res. Code §21000 et. seq., requires public agencies when approving or carrying out projects that could impact the quality of the environment to consider potential environmental impacts

REVISED TENTATIVE

of their actions. Where a project may be carried out or approved by more than one public agency, one public agency – the lead agency - will be responsible for preparing an environmental impact report or negative declaration for the project. Other agencies are considered responsible agencies. As described in this Order, the Los Angeles County Board of Supervisors is the lead state agency for purposes of CEQA to approve the Newhall Ranch land use activities. The CDFG is the lead state agency for purposes of CEQA for approval of activities subject to the Fish and Game Code. The Corps is the lead federal agency for purposes of NEPA for approval of the Clean Water Act section 404 permit. The Regional Board is a responsible agency for purposes of CEQA.

2. The project subject to this Order has been subject to significant review under CEQA. The Los Angeles County Board of Supervisors approved the Newhall Ranch Specific Plan, and certified the Newhall Ranch Specific Plan Program Environmental Impact Report (EIR), on May 27, 2003. At the same time, the Board of Supervisors approved the Newhall Ranch Specific Plan Resource Management Plan (RMP). The RMP set forth, at a conceptual level, mitigation and management standards for sensitive biological resources located within the boundary of the approved NRSP.

3. The Corps and CDFG prepared a Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The CDFG was the lead agency under CEQA and the Corps was the lead agency under NEPA, for the purpose of analyzing all environmental effects of the RMDP (State Clearinghouse No. 2000011020). CDFG approved the final EIS/EIR on December 3, 2010, and the Corps approved the final EIS/EIR on August 31, 2011.

4. The final EIS/EIR for the RMDP identified significant impacts to the environment including permanent dredge and fill impacts to 66.3 acres of waters of the United States and temporary dredge and fill impacts to 32.2 acres of waters of the United States and water quality impacts. The final EIS/EIR identified mitigation measures to reduce water quality impacts to "less than significant" and compensatory mitigation that includes created or restored aquatic or riparian habitat to eliminate or minimize dredge and fill impacts.

5. The Regional Board is a responsible agency under CEQA for the RMDP and has considered the environmental documentation of the lead agency, CDFG. Regional Board submitted comments on the EIS/EIR to the Corps and CDFG on August 25, 2009 and August 3, 2010, which were considered in the final EIS/EIR.

6. The final EIS/EIR identified potential significant impacts to 'Water Quality.' The requirements of this Order; the requirements of the Los Angeles County MS4 permit including the Stormwater Management Program; and the requirements of the NPDES permit and Waste Discharge Requirements for the Newhall Ranch Sanitation District's WRP, incorporate mitigation measures identified in the final EIS/EIR to reduce impacts to water quality to less than significant.

REVISED TENTATIVE

7. The final EIS/EIR for the RMDP identified potential significant impacts to 'Jurisdictional Waters and Streams.' The requirements of this Order; the requirements the Corps Permit; and the requirements of the CDFG MSAA, incorporate mitigation measures identified in the final EIS/EIR to reduce impacts to jurisdictional waters and streams to less than significant.

8. CDFG made a Statement of Overriding Considerations for the final EIS/EIR for impacts to air quality; noise; agricultural resources; land use; visual resources; hazards, hazardous materials, and public safety; and solid waste, finding that the project's benefit is substantial and overrides the unavoidable impacts.

9. The EIR for Landmark Village was approved by the County of Los Angeles Department of Regional Planning on October 4, 2011. The Regional Board is a responsible agency under CEQA for the Landmark Village EIR and has considered the environmental documentation of the lead agency. Regional Board staff commented on the draft EIR on January 22, 2007 and the comments were considered in the final EIR.

10. The EIR for Landmark Village identified potential significant impacts to 'Water Quality' and 'Floodplain Modification' and identified mitigation measures to reduce the impacts to less than significant. The requirements of this Order; the requirements of the Los Angeles County MS4 permit including the Stormwater Management Program; and the requirements of the NPDES permit and Waste Discharge Requirements for the Newhall Ranch Sanitation District's WRP, incorporate the mitigation measures identified in the final EIS/EIR to reduce impacts to water quality to less than significant. The requirements of this Order; the requirements the Corps Permit; and the requirements of the CDFG MSAA, incorporate mitigation measures identified in the final EIS/EIR to reduce impacts to floodplain modification to less than significant.

11. The County of Los Angeles made a Statement of Overriding Considerations for the EIR for Landmark Village for impacts to biota, visual qualities, noise, air quality; agricultural resources; and solid waste services finding that the project's benefit is substantial and overrides the unavoidable impacts.

12. The EIR for Mission Village was certified by the County of Los Angeles Department of Regional Planning on October 25, 2011 and final map conditions were issued on May 15, 2012.. The Regional Board is a responsible agency under CEQA for the Mission Village EIR and has considered the environmental documentation of the lead agency. Regional Board staff commented on the draft EIR on January 4, 2011 and the comments were considered in the final EIR.

13. The EIR for Mission Village identified potential significant impacts to 'Water Quality' and 'Floodplain Modification' and identified mitigation measures to reduce the impacts to less than significant. The requirements of this Order; the requirements of the Los Angeles County MS4 permit including the Stormwater

REVISED TENTATIVE

Management Program; and the requirements of the NPDES permit and Waste Discharge Requirements for the Newhall Ranch Sanitation District's WRP, incorporate the mitigation measures identified in the final EIS/EIR to reduce impacts to water quality to less than significant. The requirements of this Order; the requirements the Corps Permit; and the requirements of the CDFG MSAA, incorporate mitigation measures identified in the final EIS/EIR to reduce impacts to floodplain modification to less than significant.

14. The County of Los Angeles made a Statement of Overriding Considerations for the EIR for Mission Village for impacts to visual qualities, air quality; agricultural resources; and solid waste services finding that the project's benefit is substantial and overrides the unavoidable impacts.

15. The County of Los Angeles will be required to conduct additional environmental analyses under CEQA for additional villages or phases of the project. The Regional Board may revise this Order, including the addition of mitigation measures, after consideration of the environmental analysis for those future projects to assure protection of water quality.

16. This Order includes the requirement for a monitoring and reporting program to assure compliance with the mitigation measures and other terms of this Order. In addition, as set forth in the Attachments, which are incorporated by reference into this Order, this Order requires mitigation measures and compensatory mitigation to reduce the water quality impacts to "less than significant" and to require sufficient compensatory mitigation to replace waters impacted by dredge and fill.

IT IS HEREBY ORDERED that Newhall Land, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder and for certification that the proposed discharges will comply with the Clean Water Act and other applicable water quality standards, pursuant to the Regional Board's authority under Water Code sections 13263 and 13267 and Clean Water Act section 401, 33 U.S.C. § 1341, shall comply with the following.

1.0 **Standard Conditions:** Pursuant to section 3860, Title 23, California Code of Regulations (23 CCR), the following three standard conditions shall apply to the Project:

a. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and 23 CCR section 3867 et seq.;

b. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to

REVISED TENTATIVE

23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;

c. This Order is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28 and owed by Newhall Land.

2.0 Prohibitions

1. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall Newhall Land use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

2. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.

3. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and which is in full compliance therewith.

4. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses, f) cause or contribute to trash or debris pollution.

5. Unauthorized non-storm water discharges into the MS4 system, the Santa Clara River or other waters of the State, are prohibited.

6. This Order does not authorize the discharge of waste by Newhall Land related to any activities other than those specifically described in this Order.

REVISED TENTATIVE

3.0 Conditions.

General Conditions:

1. **Compliance with Porter Cologne Water Quality Control Act**. Newhall Land shall comply with water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994),* as amended. Newhall Land shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan (and water quality standards therein) and other implementation plans adopted or approved pursuant to the Porter Cologne Water Quality Control Act. Any discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality objectives and water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

2. **Water Quality Objectives.** Newhall Land shall not cause or contribute to exceedances of water quality objectives in the Basin Plan or water quality objectives set forth in the California Toxics Rules in the waters of the State and of the United States.

3. **Recycled Water.** In order to minimize the discharge of treated effluent to waters of the State and of the United States Newhall Land shall ensure that treated effluent from the Newhall Ranch WRP is used for irrigation and other appropriate purposes within the RMDP, consistent with Finding 20 of this Order. Newhall Land shall report to the Regional Board annually the volume of treated effluent from the Newhall Ranch WRP reused for such purposes.

~~2.~~4. **Compliance with Federal Permit Issued for RMDP**. Newhall Land shall conduct all activities in accordance with the terms and conditions of the Corps Section 404 Permit for the RMDP, Permit No. SPL-2003-01264-AOA, and with all specifications of the Newhall Ranch RMDP Final Mitigation and Monitoring Plan for Impacts to waters of the United States, or any subsequently approved plan.

~~3.~~5. **Compliance with CDFG Permit Issued for RMDP** Newhall Land shall conduct all activities in accordance with the terms and conditions of the MSAA issued by CDFG for the RMDP, Agreement No. 1600-2004-0016-R5.

Conditions associated with Construction Activities: The following terms shall be applicable to all activities conducted within the boundaries of the RMDP, including but not limited to, construction activities.

REVISED TENTATIVE

~~4.~~6. **Project Biologist**. Newhall Land shall utilize the services of a biologist with expertise in aquatic and terrestrial species known to the Santa Clara River within the RMDP site and expertise in riparian assessments, and who shall possess the requisite state and federal authorizations to conduct the surveys and monitoring activities described below. The biologist shall be available on site during construction or sediment and/or vegetation removal activities including during any vegetation clearing activities, including those activities conducted in debris/detention basins. The project biologist shall have the authority to stop the work, as necessary. The project biologist shall be available upon request from this Regional Board staff for consultation within 24 hours of request for consultation.

~~5.~~7. **Restoration Biologist**. Newhall Land shall utilize the services of a restoration biologist with expertise in riparian assessments and habitat restoration during all construction or maintenance activities where clearing involves areas to be partially cleared or protected in place (i.e. some vegetation is to remain in the same reach or in an adjacent reach) and for monitoring/reporting on compensatory mitigation and restoration activities. The restoration biologist shall be available as necessary to ensure that all protected areas are marked properly and ensure that no vegetation outside the approved work area is removed. The restoration biologist shall have the authority to stop the work, as necessary. The restoration biologist shall be available upon request from this Regional Board staff for consultation within 24 hours of request for consultation.

~~6.~~8. **Measures During Construction**. In order to protect water quality during construction, Newhall Land shall comply with General NPDES Permit for Construction Stormwater Discharges (Order No. 2009-0009-DWQ; NPDES No. CAS000002 adopted September 2, 2009; effective July 1, 2010), as amended or reissued, or other legally applicable standard. Newhall Land shall implement BMPs during construction of the RMDP infrastructure improvements and NRSP build-out to prevent and/or reduce erosion and the transport of sediment and other potential pollutants from the project site. These BMPs shall be designed and implemented to the Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology (BAT/BCT). Any Stormwater Pollution Prevention Plan (SWPPP) prepared to comply with the Construction General Permit shall identify and apply proper construction, implementation, and maintenance of BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the construction sites during construction.

~~7.~~9. **WQTR.** Newhall Land will prepare and submit to the Executive Officer for review a Project Water Quality Technical Reports (WQTR) and Drainage Concept Report which addresses LID standards for each subsequent development area within the RMDP. Newhall Land shall implement the requirements of the approved WQTR and Drainage Concept Report in all construction and maintenance activities.

R E V I S E D T E N T A T I V E

~~8.~~10. **Planning and Development (LID) Standards**. Each development area within the RMDP shall incorporate the following ~~mesures.~~measures. Development areas within the RMDP site shall comply with all applicable regulatory requirements of the Los Angeles County MS4 Permit in place at the time of the preparation of the WQTR unless an equivalent requirement in this WDR is more stringent. Project design features shall be selected and sized to retain the volume of stormwater runoff produced from a ~~0.75~~1.1 inch storm event[3] (LID design volume) to reduce the percentage of Effective Impervious Area (EIA) to 5 percent or less of the total project area within the Newhall Ranch Specific Plan. When it has been demonstrated that 100 percent of the LID design volume cannot be feasibly[4] infiltrated, then biofiltration shall be provided for 1.5 times the portion of the LID design volume that is not retained. Runoff from all EIA shall be treated with effective treatment control measures that are selected to address the pollutants of concern and are sized to capture and treat 80 percent of the average annual runoff volume. Each Village-level project shall achieve the LID Performance Standard cumulatively, considering the retention volume and equivalent biofiltration volume[5] provided by the project itself and by all previous development phases within the RMDP area. The LID Performance Standard shall be implemented as follows:

Institutional, commercial, multi-family residential, recreation, and park land use parcels shall implement retention or biofiltration BMPs within the parcel footprint. Runoff from roofs, patios, and walkways in single family residential parcels shall be dispersed over landscaped areas to retain runoff. Runoff from the ~~extent feasible to manage~~remaining developed area and that which is not retained within the ~~runoff from at least~~parcel footprints shall flow through the ~~0.75 inch~~ storm ~~event.~~drain system to the regional infiltration/ biofiltration facilities. Based on an assessment of feasibility, one of three BMP strategies shall be applied to each project (i.e. village) as follows:

a. If it is feasible to infiltrate all of the runoff produced from the ~~0.75~~1.1 inch storm from the developed area (i.e., soil infiltration rates are at least 0.5 inches per hour, ~~fill depth is less than 10 feet,~~ and no other technical infeasibility concerns exist), infiltration BMPs shall be used. Infiltration BMPs include bioretention (without an underdrain), permeable pavement, infiltration galleries, infiltration basins or trenches, or an equivalent infiltration BMP.

b. If it has been demonstrated in the Project WQTR and Drainage Concept Report that the BMP strategy of subsection (a~~., above~~), of this

R E V I S E D T E N T A T I V E

[3] The 85th percentile, 24-hour storm depth is equal to 1.1 inches as determined from the Los Angeles County 85th Percentile 24-hr Rainfall Isohyetal Map (February 2004)

[4] Feasibility shall be based on the approved Ventura County Technical Guidance Manual for Stormwater Quality Control Measures (7-13-2011)).

[5] Biofiltration volume shall be equated to retention volume at a ratio of 1.5 (biofiltration) to 1.0 (retention).

condition, is infeasible, and if the ~~parcel~~project has low soil infiltration rates (i.e., the soil infiltration rate is less than 0.5 inches per hour~~) or the depth of fill is greater than 10 feet,~~), but no other technical infeasibility concerns exist, bioinfiltration BMPs shall be used. Bioinfiltration facilities are similar to bioretention facilities with an underdrain, but they include storage below the underdrain to maximize the volume infiltrated. These facilities shall retain a portion of the runoff from the ~~0.75~~1.1 inch design storm, then biofilter 1.5 times the remaining runoff from the ~~0.75~~1.1 inch design storm.

c. If it has been demonstrated in the Project WQTR and Drainage Concept Report that the BMP strategies of ~~a.~~subsection (). and (b~~., above~~), of this condition, are infeasible, ~~and if infiltration is technically infeasible due to geotechnical hazards or a high ground water table~~, then biofiltration BMPs shall be used. These BMPs shall biofilter the runoff produced from the ~~0.75~~1.5 times the 1.1 inch design storm.

~~Runoff from roofs, patios, and walkways in single family residential parcels shall be discharged over landscaped areas designed to fully retain the volume of runoff from the 0.75 inch storm event. Runoff from the remaining parcel area and that which does not infiltrate in the landscaped area shall flow through the storm drain system to the regional infiltration/biofiltration facilities.~~

Runoff from roadways shall be retained or biofiltered in retention or biofiltration BMPs sized to capture the design storm volume or flow, per the guidance in ~~US EPA's~~USEPA's Managing Wet Weather with Green Infrastructure: Green Streets.

No more than 5% of the total ~~Project~~project area shall be treated using conventional treatment methods that address the pollutants of concern. Media filters (or equivalent BMPs that address the pollutants of concern) shall be sized to capture and treat 80% of the average annual runoff volume from the allowable EIA.

Regional facilities shall be implemented to infiltrate or biofilter the runoff volume from the ~~0.75~~1.1 inch design storm volume that has not been retained or biofiltered within parcels, single family lots, or road right of ways. Additionally, regional facilities shall be designed to provide extended detention treatment for the additional runoff volume required to provide 80% capture and treatment of the average annual runoff volume for the tributary area to the regional facility per the Newhall Ranch Specific Plan Sub-Regional Stormwater Mitigation Plan treatment performance standard.

~~Each development area~~For each village-level project within the RMDP, Newhall Land shall implement hydromodification controls to prevent accelerated stream erosion and to protect stream habitat, as follows:

a. For ~~direct~~ discharges to the Santa Clara River, RMDP projects shall incorporate site design and LID BMPs per this LID Standard to limit

REVISED TENTATIVE

impervious area and disconnect imperviousness to avoid and minimize hydromodification impacts.

b. For discharges from RMDP projects to the drainages tributary to the Santa Clara River, the erosion potential (Ep) of stormwater discharges from the Project shall be maintained within 20% of the target value[6] in the tributary drainages that will receive post-development flows. The target Ep shall consider changes in sediment supply. The hydromodification performance standard shall be met for all of the RMDP projects from the point of discharge to the tributary drainage channel downstream to the confluence of the tributary drainage with the Santa Clara River, and shall be achieved through on-site or in-stream controls, or a combination thereof. An equivalently effective, similarly geomorphically-referenced approach may be developed and applied in the future in place of the erosion potential approach.

11. **Chloride.** For purposes of further treating wastewater (to a chloride level of 100 mg/l or less for up to 6000 equivalent dwelling units) from Newhall Ranch that will be sent to the Valencia WRP, Newhall Land, or its successor, shall complete construction of interim chloride and demineralization facilities to the satisfaction of the Regional Board prior to discharging sewage from Newhall Land to the Valencia WRP or other publicly owned treatment works. The interim chloride and demineralization facilities shall be sufficient to ensure that any wastewater discharge attributable to Newhall Ranch does not result in discharge to the Santa Clara River of effluent containing chloride in concentrations exceeding 100 mg/l. If sewage from Newhall Land does not already meet the chloride limit of 100mg/L, an equivalent volume of effluent shall be removed from the combined Newhall/Valencia partially treated waste stream and shall be treated at the interim chloride and demineralization facility to meet 100 mg/L chloride prior to discharge.

Dischargers of wastewater from Newhall Land to Valencia WRP shall not exceed the flow from 6000 equivalent dwelling units.

Newhall Land, or its successor, shall complete the construction of the Newhall Ranch WRP with a capacity to treat wastewater generated by at least 6,000 equivalent dwelling units on or before the date that construction of the 6,000th equivalent dwelling unit within Newhall Ranch is completed.

REVISED TENTATIVE

[6] The target Ep value is 1 unless a more appropriate value is derived. The target Ep value shall match the long term cumulative sediment load transported in the post-development condition to that of the pre-condition.

12. **Buffers** Newhall Land shall provide Open Space Buffers, consisting of riparian buffers and development setbacks, along portions of the Santa Clara River, consistent with the design of the approved RMDP and with Finding 21 of this Order.

~~9.~~13. **Water Quality Monitoring during Work Within or Adjacent to Flowing Streams** The objectives of the water quality monitoring are to assess BMP effectiveness and to ensure that water quality is not impacted as a result of the construction activities, dewatering discharge or surface water diversion within or adjacent to flowing streams. BMPs are to be implemented in association with project activities to avoid exceeding water quality standards. For each project area within a tributary drainage, three (3) sampling stations: upstream of project, within project; and downstream of project reach, shall be established. For projects along the Santa Clara River, at least three (3) sampling stations shall be established: upstream of any construction related stormwater or dewatering water discharge point, points at each tributary confluence where grading has, is or will occur in the tributary's watershed; and downstream of the most downstream construction related stormwater or dewatering water discharge point. The testing parameters required will be as follows: Surface water monitoring shall be Surface Water Ambient Monitoring Program (SWAMP) compliant.

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)

Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

These constituents shall be measured at least once prior to the construction activity and then monitored on a daily basis during the first week of construction activity, and then on a weekly basis, thereafter, until the work is complete within or adjacent to flowing streams. If no surface flow is present, then such conditions shall be documented. Analyses must be performed using approved USEPA methods, where applicable, or using methods approved by the Executive Officer. Any violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection. Newhall Land shall submit results of the analyses to the Regional Board, to the attention of the 401 Program Unit, within 30 days of each subsequent sampling event. A map or drawing indicating the locations of sampling points shall be included with each submittal.

~~10.~~14. **Surface Water Diversion Requirements and Water Quality Monitoring**. All surface waters, including ponded waters, shall be diverted away from areas

REVISED TENTATIVE

undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, Newhall Land shall develop and submit a project specific Surface Water Diversion Plan (plan) to the Executive Officer. The plan shall be consistent with the Aquatic Species Project / Surface Water Diversion Plan submitted with the application (Attachment 5) and shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted 21 days prior to any surface water diversions. Surface water monitoring shall be Surface Water Ambient Monitoring Program (SWAMP) compliant.

If surface flows are present, then upstream and downstream monitoring for the following shall be implemented pursuant to Condition 11 above:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)

Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved USEPA methods, where applicable, or methods approved by the Executive Officer. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion, and then on a weekly basis, thereafter, until the in-stream work is complete.

Photographs shall be taken at each station during sampling to demonstrate the condition of the stream.

Newhall Land shall submit results of the analyses to the Regional Board, to the attention of the 401 Program Unit, within 30 days of each subsequent sampling event. A map or drawing indicating the locations of sampling points shall be included with each submittal.

Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such

REVISED TENTATIVE

violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

~~11.~~15. **Aquatic Nuisance Species Control**. Newhall Land shall develop and implement a Plan for Hazard Analysis and Critical Control Points (HACCP Plan) in order to implement prevention and control of aquatic nuisance species and instruct construction and maintenance personnel in HACCP Plan provisions. The draft HACCP Plan shall be submitted to the Regional Board 401 Certification Unit staff within two months after issuance of this Order. To reduce the potential for the spread of New Zealand mud snails, or other aquatic nuisance species of concern, during Project clearing and construction, all heavy equipment proposed for use on the Project site shall be verified cleaned (including wheels, tracks, undercarriages, and bumpers, as applicable) before delivery to the Project site. Equipment must be documented as mud snail free upon delivery to the Project site initial staging area, including: (1) vegetation clearing equipment (skid steer loaders, loaders, dozers, backhoes, excavators, chippers, grinders, and any hauling equipment, such as off-road haul trucks, flat bed, or other vehicles); (2) earth-moving equipment (scrapers, dozers, excavators, loaders, motor-graders, compactors, backhoes, off-road water trucks, and off-road haul trucks); and (3) all Project-associated vehicles (including personal vehicles) that, upon inspection by the project biologist, are deemed to present a risk for spreading mud snails. Equipment shall be cleaned at existing construction yards or at a wash station and equipment that has been in mudsnail impacted areas shall be required to dry out in the sun for a period of no less than 48 hours prior to use in other areas. ~~.~~ The biological monitor shall document that all construction equipment (as described above) has been properly cleaned and dried prior to working within the Project work site. Any equipment/vehicles determined to not be free of mud snails shall immediately be sent back to the originating construction yard for washing and proper drying, or wash station where rinse water is collected and disposed of in either a sanitary sewer or other legal point of disposal. Equipment/vehicles moved from the site must be inspected, and re-washed and re-dried as necessary, prior to re-engaging in construction activities in the Project work area. A written daily log shall be kept for all vehicle/equipment washing that states the date, time, location, type of equipment washed, methods used, and location of work.

~~12.~~16. **Weed (including weed seed) Control.** To reduce the potential for the spread of weeds (including weed seeds) during Project clearing and construction, all heavy equipment proposed for use on the Project site shall be verified cleaned (including wheels, tracks, undercarriages, and bumpers, as applicable) before delivery to the Project site. Equipment must be documented as weed free upon delivery to the Project site initial staging area, including: (1) vegetation clearing equipment (skid steer loaders, loaders, dozers, backhoes, excavators, chippers, grinders, and any hauling equipment, such as off-road haul trucks, flat bed, or other vehicles); (2) earth-moving equipment (scrapers, dozers, excavators, loaders, motor-graders, compactors, backhoes, off-road water trucks, and off-road haul trucks); and (3) all

REVISED TENTATIVE

Project-associated vehicles (including personal vehicles) that, upon inspection by the project biologist, are deemed to present a risk for spreading weeds. Equipment shall be cleaned at existing construction yards or at a wash station. The biological monitor shall document that all construction equipment (as described above) has been cleaned prior to working within the Project work site. Any equipment / vehicles determined to not be free of weeds shall immediately be sent back to the originating construction yard for washing, or wash station where rinse water is collected and disposed of in either a sanitary sewer or other legal point of disposal. Equipment/vehicles moved from the site must be inspected, and re-washed as necessary, prior to re-engaging in construction activities in the Project work area. A written daily log shall be kept for all vehicle/equipment washing that states the date, time, location, type of equipment washed, methods used, and location of work.

~~13.~~17. **Invasive Plant Removal.** Revegetation and/or mitigation plans which include removal of non-native species such as giant reed (*Arundo donax*), salt cedar (*Tamarix* sp.), tree tobacco (*Nicotiana glauca*), castor bean (*Ricinus communis*), shall be subject to the following standards: (1) First priority shall be given to those vegetation community patches that support or have a high potential for supporting special-status species, particularly endangered or threatened species~~.~~; (2) All non-native species removals shall be conducted according to CDFG-approved exotics removal program; and (3) Removal of non-native species in patches of native vegetation communities shall be conducted in such a way as to minimize impacts to the existing native riparian plant species. The exotics control program may utilize methods and procedures in accordance with the provisions in the Upper Santa Clara River Watershed Arundo/Tamarisk Removal Plan Final EIR, dated February 2006, or alternative methods and procedures approved by the agencies.

~~14.~~18. **Invasive Aquatic Species Control.** Newhall Land shall retain a project biologist to develop an Exotic Wildlife Species Control Plan for the control of bullfrog, African clawed frog, and crayfish. A copy of the Plan shall be provided to the Executive Officer. The program will require the control of these species during construction within the River corridor and modified tributaries (bridges, diversions, bank stabilization, drop structures). The Plan shall include a description of the species targeted for eradication, the methods of harvest that will be employed, the disposal methods, and the measures that would be employed to avoid impacts to sensitive wildlife (e.g., stickleback, arroyo toad, nesting birds) during removal activities (i.e., timing, avoidance of specific areas). Annual monitoring shall occur for the first five years after construction of Project facilities. After five years, bi-annual monitoring shall occur in perpetuity to determine if additional control is necessary. Newhall Land will fund an endowment, approved by CDFG, for monitoring in perpetuity. Monitoring will be conducted within sentinel locations along the River Corridor SMA and where the Project provides potential habitat for these species (e.g., future ponds and

REVISED TENTATIVE

water features). Control shall be conducted within Project facilities where monitoring results indicate that exotic species have colonized an area. Results of control efforts shall be submitted in accordance with the Annual Report described below.

~~15.~~19. **Pesticides**. Application of pesticides must be supervised by a certified applicator and must be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0004-DWQ and 2004-0009-DWQ (or subsequent Orders). Any pesticides proposed for use which are not approved under this Order will be subject to separate certification.

~~16.~~20. **Soil Reuse – Santa Clara River**. Newhall Land shall salvage and replace soils, when on-site soils are conducive to restoration of temporary impact areas and mitigation creation sites along the Santa Clara River. Salvaging the topsoil from native habitats impacted by the project will help improve edaphic conditions for native seed germination, plant growth, and native vegetation establishment within the mitigation areas, as well as to help preserve soil biota.~~-~~ Newhall Land shall ensure that salvaged soils to be placed in bank protection excavation areas will have comparable grain size distribution and similar soil profiles to the existing River (e.g., having soil profile similar to the Santa Clara River).

~~17.~~21. **Soil Reuse – Tributary Drainages**. Newhall Land shall salvage soils to be used when on-site soils are conducive to the establishment of specific vegetation types or are critical to providing suitable channel substrate conditions. In instances where soil characteristics may be critical to the resulting habitat supported by the reconstructed channel (e.g., Long Canyon), soil salvage from the impacted drainage, and replacement of those soils in the newly created channel, shall be implemented to the extent feasible. Soil salvage shall be implemented in these instances to provide comparable grain size distribution within the constructed channel bottom, and to create a similar soil profile as found in the stream course prior to being impacted. Recreating the physical soil profile in constructed channels shall be achieved through salvaging of soils or where onsite soils are not suitable for salvage, by preparation and amendment of soil materials for the creation of a soil profile with similar percolation and water retention characteristics as the impacted channel. If soil is imported and/or amended for the purpose of reuse, the soils shall also have a similar visual appearance to the channel before impact.

~~18.~~22. **Wet Excavations**. Newhall Land shall obtain all legally required authorizations prior to any excavation below the seasonal high water table, including, if appropriate, coverage under the General Waste Discharge Requirements for Discharges of Groundwater from Construction Dewatering to Surface Waters. (R4-2008-0032 or subsequent authorizations) or General Waste Discharge

REVISED TENTATIVE

Requirements for Discharges to Groundwater (93-010 or subsequent authorizations).

~~19.~~23. **Limitations during rainfall**. Newhall Land shall not conduct any construction activities within waters of the State during a rainfall event. Newhall Land shall maintain a five-day (5-day) clear weather forecast before conducting any operations within waters of the State. If any Project activities are to be held within five (5) days of a predicted rainfall event, Newhall Land shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality and minimize erosion and runoff from the site.

~~20.~~24. **Vegetation Clearing**. During construction, all protected areas shall be marked properly by a Project Biologist (see provision 3. 6) to ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary.

~~21.~~25. **Project Phasing**. Active construction sites shall comply with interim soil stabilization requirements of the Construction General Permit (Order No. 2009-0009-DWQ; NPDES No. CAS000002 adopted September 2, 2009; effective July 1, 2010), as amended or reissued, and applicable South Coast Air Quality Management District Rule 403 requirements. The following types of BMPs shall be implemented as needed during construction to provide erosion control: physical stabilization through application of hydraulic mulch, soil binders, straw mulch, bonded and stabilized fiber matrices, compost blankets, and erosion control blankets (i.e., rolled erosion control products); limiting the area and duration (<14 days) of exposure of disturbed soils; soil roughening of graded areas (through track walking, scarifying, sheepsfoot rolling, or imprinting) to slow runoff, enhance infiltration, and reduce erosion; vegetative stabilization through temporary seeding and mulching to establish interim vegetation; and wind erosion (dust) control through the application of water or other dust palliatives as necessary to prevent and alleviate dust nuisance.

~~22.~~26. ~~**Channel Design**. A~~**Geomorphology Monitoring and Management, Tributaries**. Newhall Land shall prepare and implement a Geomorphology Monitoring and Management Plan (GMM Plan) to ensure that the modified/re-engineered drainages along the major tributaries (Long, Lion, Potrero, Chiquito, and San Martinez Grande Canyons) comply with the mitigation objectives and design goals outlined in the Newhall Ranch Tributary Channel Design Guidelines.

a. A copy of the GMM Plan prepared for each major tributary drainage shall be provided to the Executive Officer.

R E V I S E D T E N T A T I V E

b. The GMM Plan shall include the measures to be implemented to ensure the integrity of the structural elements and a state of "constrained dynamic equilibrium", and shall specify the following: (1) a framework to collect baseline data to characterize conditions immediately after construction; (2) a post-development monitoring program; (3) a framework to develop erosion and sedimentation threshold parameters and performance standards that activate adaptive management measures across a series of potential future scenarios; and, (4) contingency plans and appropriate remedial measures in the event that management efforts are not successful.

c. GMM Plan elements shall include: as-built survey for the completed channels to include a full longitudinal profile, cross-sections, and all in-channel structures; map of the channel floodplain and valley toe and identify channel migration zones; additional survey, visual inspection and channel migration assessment in years 1, 3, 5, 10, and 20 following construction and after a flow event exceeding the 10-year recurrence interval including a determination of whether remedial actions or more detailed studies are required; and after all flood events exceeding the 5-year recurrence interval flow, then a qualified geomorphologist or civil engineer shall conduct an inspection of the channel to evaluate for signs of erosion, "knickpoints" or “head cuts”, flanking of structures, and piping or erosion around the project structures.

d. In addition to the measures identified above, the GMM Plan shall describe the potential remedial techniques to prevent, mitigate, abate, or control undesirable geomorphic response. These measures will include (but will not be limited to) the following: 1) Repair, maintenance or replacement of creek structures and development improvements; 2) Stabilization (either partial or total) of eroded areas or failures of the creek slopes by removal and replacement with appropriate materials; ~~and~~ 3) Construction of erosion control measures that, where feasible, will consist of bio- engineering techniques; 4) Placement of subsurface drainage devices; 5) Slope correction; and 6) Construction of additional surface ditches and/or ponds, sediment traps, or backfill of eroded channels.

e. Notification of proposed remedial techniques to the Regional Board prior to site activity must be made and applicable approvals and additional permits or certifications from the Regional Board must be obtained prior to implementing remedial actions.

~~23. **Downstream Effects Monitoring.** Newhall Land shall design a Geomorphological Monitoring Program (Downstream Effects Monitoring Program) to specifically analyze downstream effects within Santa Clara River (downstream of project tributaries and in reaches between project tributaries). Newhall Land shall prepare the Geomorphological Monitoring Program plan within six (6) months of the effective date of this Order for Executive Officer~~

R E V I S E D T E N T A T I V E

~~approval. The monitoring program shall at a minimum, perform annual monitoring before and after storm seasons to analyze river contours, elevations, aggradation and erosional areas, and any downstream impairments or changes to the Santa Clara River flow regimes.~~

27. **Geomorphology Monitoring and Management, Santa Clara River, Downstream Effects**. Newhall Land shall prepare a Geomorphological Monitoring and Management Program (Downstream Effects Monitoring Program) to specifically analyze downstream effects within the Santa Clara River (downstream of project tributaries and in reaches between project tributaries). Newhall Land shall utilize the services of an experienced geomorphologist with expertise in flashy and sandy rivers like the Santa Clara River to prepare the Geomorphological Monitoring and Management Program plan within six (6) months of the effective date of this Order for Executive Officer approval. The monitoring program shall at a minimum, perform annual monitoring to analyze river contours, elevations, aggradation and erosion, and any downstream impairments or changes to the Santa Clara River flow regimes as a result of the RDMP. The plan shall also identify triggers or geomorphological change action levels and identify the additional actions and schedule which Newhall Land will take if action levels are exceeded.

28. **Soil Analysis**. Within six months of the adoption of this Order, Newhall Land or its designee shall submit a workplan for Executive Officer approval that sets forth soil analysis/sampling criteria to be used in development areas within the RMDP that either presently or historically have been used for agricultural activities. Sampling shall be in accordance with DTSC protocol for residential and school sites and shall use the California Human Health Screening Levels (CHHSLs). Newhall Land or its designee shall implement the approved workplan. If sample results exceeds the CHHSL for the applicable land use, then the RMDP Final EIS/EIR Mitigation Measure PH-12 shall be implemented to remediate the area prior to development.

~~24.~~29. **Dust control**. Dust control activities shall be conducted in such a manner that will not produce impacts to downstream runoff.

30. **Construction Plans.** Construction plans shall include necessary design features and construction notes to ensure protection of vegetation communities and special-status plant and aquatic wildlife species adjacent to construction. In addition to applicable erosion control plans and performance under South Coast Air Quality Management District Rule 403d dust control, the Project stormwater pollution prevention plan (SWPPP) shall include BMPs as described in Provision Nos. 8 and No. 29 above. Construction plans shall provide location and details for any dust control fencing along Project boundaries. Together, the implementation of these requirements shall ensure protection of adjacent habitats and wildlife

REVISED TENTATIVE

species during construction. At a minimum, the following measures/restrictions shall be incorporated into the SWPPP, and noted on construction plans where appropriate, to avoid impacting special status species during construction. In addition, invasive or exotic plants shall not be planted in development areas within 200 feet of native vegetation communities, natural areas and natural or constructed drainages.

Conditions associated with Ongoing Operations and Maintenance: The following terms shall be applicable to all activities conducted within the boundaries of the RMDP, including but not limited to, ongoing operations and maintenance activities.

~~25.~~31. **Protection of Water Quality**. Newhall Land shall implement all appropriate Stormwater Best Management Practices (BMPs) to avoid adverse impacts to water quality. Newhall Land shall demonstrate to the Executive Officer that an Operation and Maintenance Plan for ongoing maintenance provisions for all structural BMPs for each development area within the RMDP site has been prepared. The RMDP shall not result in indirect impacts to beneficial uses of downstream water bodies or cause or contribute to violation of applicable water quality objectives or water quality criteria in downstream water bodies, either during construction or during operation subsequent to the construction activities (post-development operation and maintenance).

32. **Post-Construction Measures**. In order to protect water quality following the completion of construction, Newhall Land shall implement all water quality measures described in the NRSP Sub-Regional SWMP, as amended, to protect water quality and comply with the Los Angeles County MS4 Permit. ~~, restoration and/or mitigation, monitoring, including monitoring of~~ Newhall Land shall prepare and submit to the Executive Officer, for review a Water Quality Technical Report and Drainage Concept Report for each development area within the RMDP site, which shall provide detailed, site-specific information about the water quality measures to be implemented in that development area, including site design, source control, low impact development (LID), treatment control, and hydromodification control BMPs to effectively manage wet-weather and dry-weather water quality and quantity by limiting or managing pollutant sources and changes in flow rates, velocities, and shear stresses. Newhall land shall implement the water quality measures for each project within the RMDP site.

33. **Maintenance**. Newhall Landor any other entity authorized by Newhall Land to perform maintenance of RMDP water quality, flood control, road crossings, bridges, storm drain outlets, WRP outlet, utility crossings, and recreational trail facilities, shall comply with all specifications and requirements of the Maintenance Plan of the RMDP and the Maintenance Plan for Structures or any subsequently approved Plan, including those pertaining to notification, biological surveys/species protection, biological impacts, re-vegetation of temporarily impacted areas, and reporting. Any agreement between Newhall Land and any other entity authorizing the performance of maintenance, or any agreement

REVISED TENTATIVE

transferring ownership or operation of any of the facilities encompassed in the RMDP, shall include a provision requiring compliance with all specifications and requirements of the Maintenance Plan of the RMDP and the Maintenance Plan for Structures, or any subsequently approved Plan.

~~26.~~34. **Maintenance Plan for Structures**. In addition to the Newhall Ranch RMDP Maintenance Manual, Newhall Land shall develop a Maintenance Plan for Structures, for any structures within waters of the United States and of the state such as culverts, buried bank stabilization, grade control structures, etc. The Maintenance Plan for Structures shall include a plan for restoration of bank stabilization or grade control structures as needed, including restoration of scoured areas to ensure the integrity of these structures in perpetuity and avoid any lengths of drainage or river areas with lengthy sections of scoured out areas that expose the buried bank stabilization.

~~27.~~35. **Biological Surveys for Maintenance.** Prior to start of any maintenance clearing, project biologists shall perform pre-clearing biological resource surveys and photo documentation including sensitive/endangered species focused surveys on specific reaches. No work shall commence without confirmation of findings or no findings of sensitive/endangered species from the project biologists. These surveys are also meant to minimize impact on any resources that may potentially use or benefit from the channel. During construction, project biologists shall be available for consultation for any issues that may arise.

~~28.~~36. **Storm Drain and Receiving Water Quality Monitoring**. Representative and rotating outfall-based water quality monitoring shall be conducted to determine impacts of the NRSP over time. Water samples will be taken at least four (4) times a year to include at least twice in wet weather and once in dry weather. Parameters to be considered will include at a minimum:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)
- *E. coli*
- Chloride
- Ammonia as nitrogen (NH_3-N)
- Nitrate as nitrogen (NO_3-N)
- Nitrite as nitrogen (NO_2-N)
- Total phosphorus
- Metals
- Organochhlorine pesticides
- Organophosphorus pesticides
- Pyrethroid pesticides

REVISED TENTATIVE

- PAHs
- Volatile organics

Newhall Land will develop a Storm Drain monitoring plan and submit the plan to the Executive Officer for approval within 6 months of the effective date of this Order. The Storm Drain Monitoring plan will include sampling the first storm of the wet season that produces at least 0.25" of rain for the seasonal first flush.

Benthic macroinvertebrates will be assessed in the receiving waters. Newhall Land will develop a plan for the assessment of benthic macroinvertebrates and submit the plan to the Executive Officer for approval within 6 months of the effective date of this Order.

Analyses must be performed using approved USEPA methods, where applicable, or a method approved by the Executive Officer. Newhall Land shall submit results of the analyses to the Regional Board with annual reporting including comparisons to applicable water quality standards and to the estimated annual pollutant concentrations for stormwater discharges presented in the RMDP final EIR. A map or drawing indicating the locations of sampling points shall be included with each submittal.

If data demonstrate exceedances of water quality standards or significant pollutant contributions contributing to exceedances of water quality standards in the receiving waters, increased monitoring may be required and the WDR may be revised to require additional or modified BMPs or effluent benchmarks or limits.

3.1 Mitigation for Impacts to Waters of the United States

1. Newhall Land shall enhance, restore and create 132.2 acres of waters of the United States, including 35.2 acres of wetlands and 97 acres of non-wetland waters in the Santa Clara River and its tributaries, to mitigate for authorized permanent and temporary impacts to waters of the United States, as described in the Corps' Clean Water Act Section 404 Permit Mitigation Plan (404 Permit Mitigation Plan) (**Attachment 3**). Permanent impacts shall be mitigated at a minimum of 2.4:1 mitigation ratio, including mitigation in advance of impacts as described below, and temporary impacts shall be actively restored in accordance with the 404 Permit Mitigation Plan and MSAA Mitigation Measure BIO-2. (**Attachments 3 and 4**).

2. In addition to, and in conjunction with, the requirements of the Corps Permit and MSAA Mitigation Measure BIO-2. Newhall Land shall conduct CRAM assessments of waters to be impacted and of restored, created or enhanced waters.

3. At least 54.9 acres of compensatory mitigation shall be implemented prior to any development impacts to waters of the United States, including 19.3 acres of

REVISED TENTATIVE

wetlands creation in Lower Potrero Canyon, 15.9 acres of wetland creation in the Santa Clara River at Mayo Crossing, and 19.7 acres of habitat enhancement in portions of the upper Salt Creek watershed.

4. Newhall Land shall preserve and protect in perpetuity approximately 612.2 acres of waters of the United States that are not permanently impacted, including 271.8 acres of wetlands and approximately 271,861 linear feet of existing waters of the United States in Castaic Creek, the Santa Clara River and tributary drainages within the RMDP area, as required by the CDFG MSAA. The preservation areas will be preserved in perpetuity through deed restrictions, conservation easements or restrictive covenants that will run with the land and bind subsequent land owners and that are recorded in the appropriate County Recorder's office. Newhall Land must provide endowment funding for perpetual management of the preservation area. Newhall Land shall record the required deed restrictions, conservation easements, or restrictive covenants according to the schedule set forth in the CDFG MSAA and provide notice to the Executive Officer within 30 days of recording.

5. Newhall Land shall place restrictive covenants for flood protection on an additional approximately 119 acres of Ventura County floodplain downstream of the RMDP, consisting of approximately 89 acres of waters of the United States and 30 acres of adjacent upland floodplain area in the Santa Clara River. Newhall Land shall record the restrictive covenants, subject to concurrence by the Regional Board, in the Ventura County Recorder's office. The restrictive covenants shall run with the land and bind subsequent land owners. The Discharger shall provide notice to the Executive Officer within 30 days of recording the restrictive covenants.

6. For mitigation of floodplain loss and to provide further downstream floodplain loss, Newhall Land shall record conservation easements , restrictive covenants, or deed restrictions for floodplain protection for the 80 acres of upland floodplain area adjacent to the Santa Clara River, downstream of the project area. The 80 acres of upland floodplain area covered by the conservation easements, restrictive covenants, or deed restrictions shall be in addition to the 30 acres of upland floodplain area required to be placed under conservation easements, restrictive covenants, or deed restrictions by Condition 5 for a total of 110 acres of upland floodplain area plus 89 acres of waters of the United States. Farm areas covered by the 80 acres of upland floodplain under conservation easement, restrictive covenant, or deed restriction, that are scoured by flooding will not be reclaimed for farm purposes except as needed for water wells, pipelines, utility lines, outfall structures, roads and other infrastructure. Newhall Land shall record conservation easements, restrictive covenants, or deed restrictions, subject to concurrence by the Regional Board, in the appropriate County Recorder's office that will run with the land and bind subsequent land owners. Prior to any disturbance to waters of the United States, the Discharger shall record the conservation easements,

REVISED TENTATIVE

restrictive covenants, or deed restrictions and provide notice to the Executive Officer within 30 days of recording.

7. The conservation easements, restrictive covenants, or deed restrictions required by this Condition shall prohibit any development within the restricted area ~~that would~~with the exception of structures for agricultural activities including farming, ranching, orchards and vineyards; installation of agricultural water wells; structures related to the Santa Clara River Corridor River Parkway Project; installation of pipelines or utility lines of any kind; legal water diversions; outfall structures; other infrastructures; or activities associated with habitat restoration and enhancement. These exceptions must not increase the base flood elevation (as defined by the Federal Emergency Management Agency) above that existing at the time of recordation, whether within the restricted area or upstream or downstream of the restricted area~~. The restrictive covenant shall prohibit any development within the restricted area that would~~ or contribute to increased risk of downstream flooding, whether or not resulting from increased base flood elevation. For purposes of the conservation easements, restrictive ~~covenant~~covenants, or deed restrictions, the term "development" shall be defined to mean any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials~~, but specifically excluding the following: agricultural activities, including farming, ranching, orchards and vineyards; installation of agricultural water wells; installation of pipelines or utility lines of any kind; legal water diversions; outfall structures; or any activities associated with habitat restoration and enhancement.~~ .

8. Newhall Land shall restore all temporarily impacted waters of the United States with appropriate native vegetation after construction is complete in those areas, as required by the 404 Permit Mitigation Plan (**Attachment 3**).

9. All mitigation areas shall be preserved and maintained as habitat in perpetuity in accordance with the Corps Permit and the CDFG MSAA, including provisions for endowment funding and transfer of property ownership to a Natural Lands Management Organization (NLMO). Newhall Land shall record conservation easements, restrictive covenants, or deed restrictions in the County Recorder's office that will run with the land and bind subsequent land owners.

3.2 Reporting

1. **Subnotification.** Subnotification of permitted activities as required by the CDFG MSAA and the Corps Permit shall also be submitted to the Regional Board.

2. **Annual Mitigation Monitoring and Reporting**. Pursuant to California Water Code section 13267, Newhall Land shall submit to the Regional Board Executive Officer an **Annual Project and Mitigation Monitoring Report (Annual**

R E V I S E D T E N T A T I V E

Report) by April 1 of each year for each year the Order is in effect. The Annual Reporting outline shall be submitted to the Regional Board within 60 days of the issuance of this Order. The outline should include all relevant information to meet reporting requirements and also include any technical or field checklists which will be utilized. Upon receipt, the Executive Officer will have 30 days to comment or approve of the Annual Report outline.

3. The Annual Report shall primarily consist of a summary status report on all RMDP construction, maintenance, and waters of the United States and waters of the State compensatory mitigation projects initiated in the prior year and shall provide copies of annual monitoring reports for any active restoration and compensatory mitigation projects associated with authorized activities under the RMDP. The Annual Report shall describe in detail all of the permitted activities (construction and maintenance) performed during the previous year and all restoration and compensatory mitigation efforts implemented to date. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking); any delays in the mitigation process; and summary of upcoming mitigation implementation. At a minimum the Annual Reports shall include the following documentation:

a) Overall status of active projects, including a detailed schedules to complete authorized work;
b) Dates of activities completed during the prior year period, through February of the reporting year, including construction, maintenance, and mitigation;
c) Acreage of areas impacted in the prior year period;
d) Schedule of proposed activities for the subsequent 18 months, beginning in February of the reporting year, including construction, maintenance, and mitigation;
e) Acres of areas to be impacted during the subsequent 18 months;
f) Description of activities in or adjacent to flowing waters, including results of required water quality monitoring;
g) Results of storm drain and receiving water monitoring;
h) Results of Geomorpholgy monitoring in tributaries and the Santa Clara River;
~~h)~~i) Narrative and photo documentation of any BMP installations during project activities and immediately after activities as well as periodically during the activities, including storm events. In addition, an evaluation of the effectiveness of BMPs utilized shall be provided based on field observations;
~~i)~~j) Documentation of estimates of volumes of vegetation removed from the project areas, including representative photos;
~~j)~~k) Description of any stream diversions performed in the prior year period, including results of required water quality monitoring and representative photos;

R E V I S E D T E N T A T I V E

~~k)~~l) Description of any dewatering discharge conducted in the prior year period and summary of discharge water quality monitoring, including maps of discharge locations, dates of discharge, and discharge volumes.;

~~l)~~m) Overview of any revegetation effort and its success in meeting performance criteria, including percent survival by plant species and percent cover; the method used to assess these parameters; CRAM and HARC evaluations, when appropriate; and all information stipulated in the Mitigation Plan as well as any site specific mitigation plan pursuant to the Corps 404 Permit or CDFG MSAA.

~~m)~~n) Color photo documentation of the immediately pre- and post-project and mitigation site conditions as well as periodic photo documentation of post-project and mitigation site conditions between project activities;

~~n)~~o) Discussion of any monitoring activities and exotic plant control efforts;

~~o)~~p) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of actual project and new mitigation areas;

~~p)~~q) Biological information including: baseline biological surveys and exotic / invasive wildlife species control efforts;

~~q)~~r) Documentation of estimates of volumes of trash removed from maintenance areas;

~~r)~~s) Documentation of estimates of volumes of sediment removed from maintenance areas;

~~s)~~t) Copies of all revised permits related to this project;

~~t)~~u) Results of exotic invasive animal species control efforts, both summarized in tabular form and with location maps;

~~u)~~v) Description of all outreach activities in the previous year;

w) Reuse of treated effluent from the Newhall Ranch WRP during the previous year;

~~v)~~x) A certified statement of the compliance status with the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993) ensuring "no overall loss"; and

~~w)~~y) A certified statement from Newhall Land that all information reported in the Annual Report is complete and accurate. This Report will include a summary of compliance with all requirements of this Order.

The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. The CDFG MSAA "Mitigation Accounting Report" form may be used to provide the summary of mitigation activities.

1. **Compensatory Mitigation Implementation Reporting.** Within 45 calendar days of complete implementation for each mitigation site, Newhall Land shall submit to the Executive Officer a memo indicating the following:

   a. Date(s) all mitigation (grading, planting and irrigation infrastructure) was installed and monitoring was initiated;

REVISED TENTATIVE

b. Schedule for future mitigation monitoring, implementation and reporting pursuant to the 404 Permit Mitigation Plan and site-specific mitigation;

c. Color photographs taken at the mitigation site before and after grading, planting and placement of irrigation infrastructure; and

d. One copy of "as built" drawings for the mitigation site (all sheets must be signed, dated, to-scale, and no larger than 11 x 17 inches).

e. As-built construction drawings with an overlay of waters of the United States that were impacted;

f. Dated and labeled color photographs of waters of the United States that were permanently and temporarily impacted (including latitude and longitude coordinates);

g. A summary of all project activities which documents that authorized impacts to waters of the United States and waters of the State were not exceeded.

h. For active exotic invasive plant species control sites, the Annual Report Outline shall include an assessment of exotic invasive plant removal; a description of the relative cover of native vegetation, bare areas, and exotic invasive species vegetation; colonization by native plants; and photographs.

i. Conclusions and recommendations from the project and/or restoration biologist, either affirming plan interim or final goals are met, or suggesting remedial actions or adaptive management efforts where goals are not met.

2. **Five-Year Review Report.** Newhall Land shall provide a status report to the Executive Officer on April 1 (**5-Year Report**) of the fourth year of each five year period that this Order is in effect, with the first 5- Year Report due April 1 in the fourth year after the effective date of this Order. In this manner, the initial 5-Year Report will contain summary data for the year this Order goes into effect and the three subsequent years of activity, for a total of four years. Subsequent 5-Year Reports will contain five years of summary data, as the information for the reporting year of the prior 5-Year Report will also be included. Newhall Land may meet this requirement by submitting the **Annual Mitigation Monitoring and Reporting** described above on or before April 1 together with each annual report it submitted in the prior years for that five year review report period, however all summary tables, descriptions, and figures shall be comprehensive of the entire five year report review period.

3. All applications, reports, or information submitted to the Regional Board shall be signed:

(a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative

REVISED TENTATIVE

is responsible for the overall operation of the facility from which discharge originates.

(b) For a partnership, by a general partner.

(c) For a sole proprietorship, by the proprietor.

(d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

4. Each and any report submitted in accordance with this Order shall contain the following completed declaration;

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

_____ (Signature)
_____ (Title)"

3.3 Administrative

1. **Other permits**. Newhall Land shall submit to this Regional Board 401 Certification Unit staff copies of any other final regulatory agency permits and agreements required for this project. These documents shall be submitted prior to any discharge to waters of the State. All activities not included in this Order, and which may require a permit, must be reported to the Regional Board for appropriate permitting, including individual water quality 401 Certifications for projects within the RMDP Project site that are not covered by this Certification. Newhall Land shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's MSAA, or the Corps Section 404 Permit.

2. **On Site Documents**. Newhall Land and all contractors employed by Newhall Land shall have copies of this Order, including attachments, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth therein.

REVISED TENTATIVE

3. **Access**. Newhall Land shall allow the Regional Board and its authorized representative reasonable entry to the premises under its control, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Order, or as otherwise authorized by the California Water Code.

4. **Communications**. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-168 WDR.** Submittals shall be sent to the Executive Officer where identified and to the 401 Certification Unit.

5. **Transfer permitted**. Coverage under this ~~WDR~~Order may be transferred to the extent the underlying federal permit may legally be transferred~~ and further provided that~~. Newhall Land ~~notifies~~or any subsequent transferor must notify the Executive Officer at least 30 days before the date of the proposed transfer date, and the notice ~~includes~~must include a written agreement between the existing and new party containing a specific date of coverage, responsibility for compliance with this ~~WDR, and liability between them~~Order, and liability between the parties. The transferee may be required to file an ROWD or application for CWA Section 401 Water Quality Certification for any new impact associated with the transfer of this Order. Upon transfer, the term "Newhall Land" and "Discharger" as used in this Order shall apply to the transferee.

~~6. **Long-Term Financial Assurance and Responsibility**. Newhall Land shall ensure that any Project maintenance, restoration and/or mitigation, monitoring, including monitoring of storm drains, and reporting will have financial assurance or transfer of responsibility in perpetuity.~~

6. **Long-Term Financial Assurance and/or Responsibility**. Newhall Land shall ensure that any maintenance, restoration, mitigation, monitoring and reporting, and other obligations related to mitigation and stormwater controls that require long term implementation or maintenance imposed by this Order, shall be supported by a demonstration of financial assurance or transfer and assumption of responsibility to an appropriate entity, subject to approval by the Executive Officer. An appropriate entity may include, without limitation, a special district or an agency of the County of Los Angeles. Where financial assurance is used, the financial assurance may be in the form of a performance bond, escrow account, letter of credit or other appropriate instruments, subject to the approval of the Executive Officer. Newhall Land must notify the Executive Officer at least 30 days before the date of a transfer of obligations imposed by this Order, and the notice must include a written agreement between the existing and new party containing a specific date of transfer of obligations.

7. **Additional Project Information Review.** Newhall Land must provide additional information as required by the Regional Board to determine compliance of activities with this Order. Activities may require additional review if the work exceeds certain thresholds of impact. For projects that exceed the following

REVISED TENTATIVE

thresholds, Newhall Land shall provide information similar to a pre-construction notification for a 401 Water Quality Certification for 60-day review. Any change to the project that would have a significant or material effect on the findings, conclusions or conditions of this certification must be submitted to the Executive Officer for prior review and written approval.

Project Exceeds Authorized Boundary of Impacts (Original Footprint)
For any work resulting in temporary or permanent impacts within the ordinary high water mark outside the authorized impact boundaries, Newhall Land shall submit a new proposed scope of work to the Executive Officer for confirmation that the project areas is within the scope of this Order and may be required by the Executive Officer to reapply for supplemental WDRs with all pertinent information for consideration. The authorized impact boundaries are shown on the figures attached to this Order, and for drainages converted to storm drain, the defined project impacts include the entire width of the stream channel, with an upper and lower boundary defined for each jurisdictional area. For impacts along the margin of a stream channel, such as the river and larger tributaries, the authorized impact area is a defined lateral limit as shown on the figures attached to this Order.

Maintenance Exceeds Authorized Boundary of Impacts (per Maintenance Manual) or Project Design Feature Is Modified Due to a Failure
For any work resulting in temporary or permanent impacts within the ordinary high water mark outside the authorized impact boundaries, as further defined in the RMDP Maintenance Manual, Attachment 2, or in the event that a project feature fails to meet the design objectives and a significantly altered or new design is necessary, Newhall Land shall submit a new proposed scope of work to the Executive Officer for confirmation that the project areas is within the scope of this Order and may be required by the Executive Officer to reapply for supplemental WDRs with all pertinent information for consideration.

Project Deviates from the Pre-Approved Surface Water Diversion Plan
If water diversion is planned to occur in a manner which deviates from a Pre-Approved Water Diversion Plan, Newhall Land shall submit the new plan to the Executive Officer for review and approval. The Executive Officer is authorized to approve changes to a Surface Water Diversion Plan provided that the changes are consistent with this Order.

Emergency Activities
In addition, for emergency maintenance in any reach covered by this Order as discussed above, Newhall Land shall request an emergency certification under Regional General Permit 63 (RGP 63). Emergency is defined as, "a sudden, unexpected, occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as

REVISED TENTATIVE

fire, flood, earthquake, or other soil or geologic movement, as well as such occurrences as riot, accident, or sabotage."

8. **Project Modification**. Any modifications of the project as proposed and described in this Order, shall require submittal of a new Report of Waste Discharge (ROWD) and appropriate filing fee, at least 120 days prior to commencing the discharge. In addition, Newhall Land shall file a ROWD for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State as required by section 13260(a) of the California Water Code.

9. **Project Abandonment.** The terms of this Order continue to apply upon abandonment of all or any portion of the NRSP or RMDP by Newhall Land. Newhall Land may be required to restore those areas affected by its activities.

R E V I S E D T E N T A T I V E

4.0 Enforcement

1. Newhall Land or its agents shall report any noncompliance with this Order. Any such information shall be provided electronically to the Executive Officer or delegatee within 24 hours from the time Newhall Land becomes aware of the circumstances. A written submission shall also be provided within five days of the time Newhall Land becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

   a) In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law.

   b) In response to a suspected violation of any condition of this Order, the State Water Board or Regional Board may require the holder of any permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board or Regional Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

   c) In response to any violation of the conditions of this Order, the State Water Board or Regional Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

2. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:

a) Violation of any term or condition contained in this Order;

b) Obtaining this Order by misrepresentation, or failure to disclose fully all relevant facts;

c) Endangerment to public health or environment that can only be regulated to acceptable levels by Order modification or termination.

3. **Additional Reports**. The Dischargers shall furnish, within a reasonable period of time, any information the Regional Board may request to determine whether or not cause exists for modifying, revoking and reissuing, or terminating this Order. The Dischargers shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

4. **Discharge a Privilege.** All discharges of waste into the waters of the State are privileges, not rights. In accordance with California Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification.

5.0 <u>Term</u>

1. This Order shall take effect ~~30 days after~~upon Regional Board adoption.

2. Except as provided for in Findings G. 4, and H. 15, and Provisions 3. 35, 3.3 5, 3.3 7, and 4. 2 this Order (or as revised) shall remain in effect for the duration of the Section 404 Permit issued for the RMDP (Permit No. 2003-01264-AOA), but not longer than 20 years, unless revised by the Regional Board.

3. ~~As described in Finding G.3., the Regional Board directs Executive Officer to review these waste discharge requirements periodically and provide a report to the Regional Board at least every five years and, if necessary, at other intervals per the schedule and pace of village development.~~ The Regional Board ~~will~~may revise the requirements of this Order at any time as necessary to protect water quality, pursuant to ~~CWC~~California Water Code section 13263(e). ~~In addition, the~~

1. The Regional Board ~~will~~may add to or modify the conditions of this ~~certification~~Order due to

a. Acquisition of newly-obtained information that demonstrate the need for new requirements in order to ensure protection of water quality standards or would have justified the application of different conditions if known at the time of Order adoption;

R E V I S E D T E N T A T I V E

b. To address changed conditions of the project identified in required reports or by the project proponent;

~~3.~~c. to incorporate revised conditions as ~~appropriate to implement any~~a result of new regulation or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

I, Samuel Unger, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on [DATE].

Ordered by:

Samuel Unger
Executive Officer

REVISED TENTATIVE

TABLES

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Table 1a: Basin Plan Beneficial Uses
Surface Waters

Receiving Water Name	Beneficial Use(s)
Santa Clara River Reach 5 (WBD No. 180701020403) **Project Discharge Point**	Existing: industrial service supply (IND), industrial process supply (PROC), and agricultural supply (AGR); groundwater recharge (GWR); freshwater replenishment (FRSH); water contact (REC-1) and non-contact water recreation (REC-2); rare, threatened, or endangered species (RARE); warm freshwater habitat (WARM), wildlife habitat (WILD), and wetland[1] habitat (WET). Potential: Municipal and domestic water supply (MUN).*
Santa Clara River Reach 4a and 4b (WBD No. 180701020802 and 180701020403)	Existing: IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, RARE; migration of aquatic organisms (MIGR); WARM, WILD, WET. Potential: MUN.
Santa Clara River Reach 3 (WBD No. 180701020903, 180701020902 and 180701020803)	Existing: IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, RARE, MIGR, WARM, WILD, and WET. Potential: MUN.
Santa Clara River Reach 2 (WBD No. 180701020903 and 180701020904)	Existing: IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, RARE, MIGR, WARM, WILD, and WET Potential: MUN.
Santa Clara River Reach 1 (WBD No. 180701020904)	Existing: IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, RARE, MIGR, WARM, COLD, WILD, and WET. Potential: MUN.
Santa Clara River Estuary (WBD No. 180701020904)	Existing: navigation (NAV), REC-1, REC-2, commercial and sport fishing (COMM), estuarine habitat (EST), marine habitat (MAR), WILD, WET, RARE, MIGR, spawning, reproduction, and/or early development (SPWN).

* The potential municipal and domestic supply (p* MUN) beneficial use for the waterbody is consistent with the State Water Resources Control Board Order No. 88-63 and Regional Water Board Resolution No. 89-003; however, the Regional Water Board has only conditionally designated the MUN beneficial use of the surface water and at this time cannot establish effluent limitations designed to protect the conditional designation.

1 Waterbodies designated as WET may have wetlands habitat associated with only a portion of the waterbody. Any regulatory action would require a detailed analysis of the area.

REVISED TENTATIVE

Table 1b: Basin Plan Beneficial Uses
Groundwaters

Receiving Water Name	Beneficial Use(s)
Santa Clara River Valley East (DWR Basin No. 4-4.07) **Project Discharge Point**	South Fork – Existing: Municipal and domestic water supply (MUN), industrial service supply (IND), industrial process supply (PROC), and agricultural supply (AGR); Placerita Canyon – Existing: MUN, IND, PROC, AGR Santa Clara/Bouquet & San Francisquito Canyons - Existing: MUN, IND, PROC, AGR Castaic Valley – Existing: MUN, IND, PROC, AGR Saugus Aquifer – Existing: MUN

REVISED TENTATIVE

Table 2
Newhall Ranch
Project Development Phasing

Phase	Village	Anticipated Time Frame (1)(2)
1	Landmark Village	3-5 years
2	Mission Village	3-5 years
3	WRP / Utility Corridor	3-5 years
4	Homestead Village South	3-5 years
5	Homestead Village North	5-10 years
6	Potrero Village	10-15 years

(1) Phasing time frames would begin with the approval of the Project 401 Certification/ WDR.
(2) Time Frames indicate the approximate time frame for development to commence. Any given area could take from 3 to 5 years to complete.

REVISED TENTATIVE

Table 3
Santa Clara River
Proposed RMDP Features and Impacts

Feature Description	Quantity or Linear Feet	Fill of Waters of the United States (including wetlands)		Fill of Wetlands [1]	
		Temp Impact (ac.)	Perm Impact (ac.)	Temp Impact (ac.)	Perm Impact (ac.)
Landmark Village					
River Bank Stabilization / Flood Protection	11,232	0.42	0.06	0	0
Storm Drain Outlets	12	0	0	0	0
Subtotal		**0.42**	**0.06**	**0**	**0**
Mission Village					
Commerce Center Drive Bridge	1	2.78	2.08	1.45	1.57
River Bank Stabilization / Flood Protection	1,866	2.48	0.15	0.16	0.05
Drainage Converted to Buried Storm Drain[2]	--	0	0.04	0	0.01
Storm Drain Outlets	3	0	0.01	0	0
Drainage Displaced by Development[2]	--	0	0.08	0	0.07
Subtotal		**5.26**	**2.36**	**1.61**	**1.70**
Utility Corridor / SR-126 Widening					
River Bank Geofabric Stabilization / Flood Protection	4,300	0	0	0	0
River Bank Stabilization / Flood Protection	3,130	2.37	1.37	2.36	1.33
SR 126 Bridge over Castaic Creek	1	0.98	0.44	0	0
SR 126 Widening at Chiquito Canyon Confluence	1	0	0	0	0
SR 126 Widening at San Martinez Grande Canyon Confluence	1	0	0	0	0

REVISED TENTATIVE

Feature Description	Quantity or Linear Feet	Fill of Waters of the United States (including wetlands)		Fill of Wetlands [1]	
		Temp Impact (ac.)	Perm Impact (ac.)	Temp Impact (ac.)	Perm Impact (ac.)
Subtotal		**3.35**	**1.81**	**2.36**	**1.37**
Newhall Ranch WRP Bank Protection Construction Impacts					
Santa Clara River	4,625	2.53	0.39	2.53	0.39
Subtotal		**2.53**	**0.39**	**2.53**	**0.39**
Homestead South Village					
Long Canyon Bridge	1	1.72	1.16	1.22	1.16
River Bank Stabilization / Flood Protection	6,070	0.13	0	0	0
Haul Route and Restoration / Mitigation	2	0.64	0	0.14	0
Subtotal		**2.49**	**1.16**	**1.36**	**1.16**
Potrero Village					
Haul Route and Restoration / Mitigation	--	1.65	0	1.17	0
Subtotal		**1.65**	**0**	**1.17**	**0**
GRAND TOTAL		**15.70**	**5.78**	**9.03**	**4.62**

~~a.~~1) Wetland impact acreage is a subset of the waters impact acreage.

~~b.~~2) Impacts related to Bridge Abutment, parallel to Santa Clara River bank.

REVISED TENTATIVE

Table 4
Minor Tributary Drainages
Proposed Features and Impacts

Tributary	Feature			Permanent Fill of Waters of The United States (Ac.)	Preserved Waters (Ac.)	Preserved Waters (lf)
	Converted to Buried Storm Drain (linear feet)	Debris Basins (No.)	Regional Water Quality Basins (No.)			
Landmark Village						
On-Site Tributaries						
Agricultural Ditch	1,479	0	0	1.37	0.18	329
Subtotal	**1,479**	**0**	**0**	**1.37**	**0.18**	**329**
Mission Village						
On-Site Tributaries						
Dead End Canyon	1,931	0	0	1.30	0	0
Exxon Canyon	1,754	0	0	0.44	0.77	1,788
Middle Canyon	7,443	1	1	5.59	2.19	143
Magic Mountain Canyon	6,111	4	1	6.37	0	0
Unnamed Canyon D	1,241	1	0	0.69	0.14	250
Subtotal on-site	***18,480***	***6***	***2***	***14.39***	***3.1***	***2,181***
Off-Site Tributaries						
Unnamed Canyon 1	4,647	3	0	0.33	0	0
Unnamed Canyon 2	416	1	0	0.33	0	0
Subtotal off-site	***5,063***	***4***	***0***	***0.66***	***0***	***0***
Subtotal	**23,543**	**10**	**2**	**15.05**	**3.10**	**2,181**
Utility Corridor / SR-126 Widening						
Mid-Martinez Canyon	550	0	0	0.12	0	0
Subtotal	**550**	**0**	**0**	**0.83**	**0**	**0**

REVISED TENTATIVE

Newhall Ranch WRP						
Off-Haul Canyon	450	0	0	0.70	0	0
Subtotal	**450**	**0**	**0**	**0.70**	**0**	**0**
Homestead South Village						
Ayers Canyon Culvert Road Crossing	0	0	0	0.15	2.42	2,363
Humble Canyon	421	5	0	0.14	1.77	5,116
Unnamed Canyon B	1,004	0	0	0.45	0.27	568
Unnamed Canyon C	402	3	0	0.18	0.49	869
Subtotal	**5,327**	**8**	**0**	**0.92**	**4.95**	**8,916**
Homestead North Village						
Homestead Canyon	609	1	0	0.22	0	0
Mid-Martinez Canyon	3,796	1	0	1.84	0	467
Off-Haul Canyon	5,314	6	0	4.76	0.32	3,014
Unnamed Canyon A	0	0	0	0	0.78	1,293
Subtotal	**9,719**	**8**	**0**	**6.82**	**1.10**	**4,774**
Grand Total	**37,568**			**25.69**	**9.33**	**16,200**

REVISED TENTATIVE

Table 5
Lion Canyon
Proposed Features and Impacts

Feature (Linear Feet or Number of Features)	Fill of Waters of the United States	
	Temp Impact (ac.)	Perm Impact (ac.)
Mission Village		
Grade Stabilized - Earthen Channel Bottom (5,835 lf)	1.94	0.64
Buried Storm Drain (2,595 lf)	0	1.26
Displaced by Development	0	0.38
Road Culvert (1)	0	0.03
Grade Control Structures (26)	0.24	0.30
Debris Basins (4), Regional Water Quality Basin (1)	0	0
Subtotal	**2.18**	**2.61**
Homestead South Village		
Buried Storm Drain (3,500 lf) (West Fork)	0	2.07
Subtotal	**0**	**2.07**
Total	**2.18**	**4.68**

REVISED TENTATIVE

Table 6
Homestead South Village Project - Long Canyon
Proposed Features and Impacts

Feature (Linear Feet or Number of Features)	Fill of Waters of the United States	
	Temp Impact (ac.)	Perm Impact (ac.)
Channel to be Regraded / Reconstructed (8,742 lf)	0.01	3.94
Buried Storm Drain (961 lf)	0	0.67
Road Culverts (4)	0	0.12
Water Quality Treatment Basins	0	0.50
Total	**0.01**	**5.23**

Table 7
Homestead North Village - Chiquito Canyon
Proposed Features and Impacts

Feature (Linear Feet or Number of Features)	Fill of Waters of the United States	
	Temp Impact (ac.)	Perm Impact (ac.)
Bank Stabilization – Earthen Channel Bottom (4,080 lf)	3.10	0.60
Buried Storm Drain (2,571 lf)	0	0.84
Road Culverts (3)	0	0.17
Drainage Displaced by Development	0	1.29
Grade Control Structures	0.30	0.29
Water Quality Treatment Basins / Open Space	0	1.51
Total	**3.40**	**4.70**

Table 8

REVISED TENTATIVE

Homestead North Village - San Martinez Grande Canyon
Proposed Features and Impacts

Feature (Linear Feet or Number of Features)	Fill of Waters of the United States	
	Temp Impact (ac.)	Perm Impact (ac.)
Bank Stabilization – Earthen Channel Bottom (7,307 lf)	0.95	0.04
Road Culverts (2)	0.09	0.09
Grade Control Structures	0.02	0.09
Total	**1.06**	**0.22**

Table 9
Potrero Village - Potrero Canyon
Proposed Features and Impacts

Feature (Linear Feet or Number of Features)	Fill of Waters of the United States		Fill of Wetlands	
	Temp Impact (ac.)	Perm Impact (ac.)	Temp Impact (ac.)	Perm Impact (ac.)
Bank Stabilization - Earthen Channel Bottom (13,743 lf)	3.57	0.04	0.99	0
Road Culverts (3) and Road Bridge (1)	0.12	0.42	0.07	0.07
Open Space	0	0.08	0	0
Grade Control Structures (60)	1.98	1.52	0.56	0.42
Total	**5.67**	**2.06**	**1.61**	**0.49**

(1) wetland impact acreage is a subset of the waters impact acreage

REVISED TENTATIVE

Table 10
Salt Creek Visitor Center / Restoration
Proposed Features and Impacts

Feature (Linear Feet or Number of Features)	Fill of Waters of the United States		Fill of Wetlands	
	Temp Impact (ac.)	Perm Impact (ac.)	Temp Impact (ac.)	Perm Impact (ac.)
Bank Stabilization (1,841 lf)	0	0	0	0
High Country Salt Creek Trail	0	0.22	0	0.01
Restoration / Mitigation	7.28	0	1.14	0.0
Total	**7.28**	**0.22**	**1.14**	**0.01**

REVISED TENTATIVE